

107TH CONGRESS 1st Session	}	HOUSE OF REPRESENTATIVES	{	REPORT 107-_____
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AVIATION AND TRANSPORTATION SECURITY ACT

_____, 2001.—ORDERED TO BE PRINTED

Mr. Young of Alaska, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1447]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), to improve aviation security, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Aviation and Transportation Security Act ”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

[TO BE SUPPLIED]

6 TITLE I—AVIATION SECURITY

7 SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

8 (a) IN GENERAL.—Chapter 1 of title 49, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 “§ 114. Transportation Security Administration

12 “(a) IN GENERAL.—The Transportation Security
13 Administration shall be an administration of the Depart-
14 ment of Transportation.

15 “(b) UNDER SECRETARY.—

16 “(1) APPOINTMENT.—The head of the Adminis-
17 tration shall be the Under Secretary of Transpor-
18 tation for Security. The Under Secretary shall be
19 appointed by the President, by and with the advice
20 and consent of the Senate.

21 “(2) QUALIFICATIONS.—The Under Secretary
22 must—

23 “(A) be a citizen of the United States; and

1 “(B) have experience in a field directly re-
2 lated to transportation or security.

3 “(3) TERM.—The term of office of an indi-
4 vidual appointed as the Under Secretary shall be 5
5 years.

6 “(c) LIMITATION ON OWNERSHIP OF STOCKS AND
7 BONDS.—The Under Secretary may not own stock in or
8 bonds of a transportation or security enterprise or an en-
9 terprise that makes equipment that could be used for secu-
10 rity purposes.

11 “(d) FUNCTIONS.—The Under Secretary shall be re-
12 sponsible for security in all modes of transportation,
13 including—

14 “(1) carrying out chapter 449, relating to civil
15 aviation security, and related research and develop-
16 ment activities; and

17 “(2) security responsibilities over other modes
18 of transportation that are exercised by the Depart-
19 ment of Transportation.

20 “(e) SCREENING OPERATIONS.—The Under Sec-
21 retary shall—

22 “(1) be responsible for day-to-day Federal secu-
23 rity screening operations for passenger air transpor-
24 tation and intrastate air transportation under sec-
25 tions 44901 and 44935;

1 “(2) develop standards for the hiring and reten-
2 tion of security screening personnel;

3 “(3) train and test security screening personnel;
4 and

5 “(4) be responsible for hiring and training per-

6 sonnel to provide security screening at all airports in

7 the United States ~~described in section 44902(a)~~, in (1)

8 consultation with the Secretary of Transportation

9 and the heads of other appropriate Federal agencies

10 and departments.

11 “(f) ADDITIONAL DUTIES AND POWERS.—In addi-
12 tion to carrying out the functions specified in subsections
13 (d) and (e), the Under Secretary shall—

14 “(1) receive, assess, and distribute intelligence
15 information related to transportation security;

16 “(2) assess threats to transportation;

17 “(3) develop policies, strategies, and plans for
18 dealing with threats to transportation security;

19 “(4) make other plans related to transportation
20 security, including coordinating countermeasures
21 with appropriate departments, agencies, and instru-
22 mentalities of the United States Government;

23 “(5) serve as the primary liaison for transpor-
24 tation security to the intelligence and law enforce-
25 ment communities;

where
security
is
required
under

1 “(6) on a day-to-day basis, manage and provide
2 operational guidance to the field security resources
3 of the Administration, including Federal Security
4 Managers as provided by section 44933;

5 “(7) enforce security-related regulations and re-
6 quirements;

7 “(8) identify and undertake research and devel-
8 opment activities necessary to enhance transpor-
9 tation security;

10 “(9) inspect, maintain, and test security facili-
11 ties, equipment, and systems;

12 “(10) ensure the adequacy of security measures
13 for the transportation of cargo;

14 “(11) oversee the implementation, and ensure
15 the adequacy, of security measures at airports and
16 other transportation facilities;

17 “(12) require background checks for airport se-
18 curity screening personnel, individuals with access to
19 secure areas of airports, and other transportation se-
20 curity personnel;

21 “(13) work in conjunction with the Adminis-
22 trator of the Federal Aviation Administration with
23 respect to any actions or activities that may affect
24 aviation safety or air carrier operations;

1 “(14) work with the International Civil Aviation
2 Organization and appropriate aeronautic authorities
3 of foreign governments under section 44907 to ad-
4 dress security concerns on passenger flights by for-
5 eign air carriers in foreign air transportation; and

6 “(15) carry out such other duties, and exercise
7 such other powers, relating to transportation secu-
8 rity as the Under Secretary considers appropriate, to
9 the extent authorized by law.

10 “(g) NATIONAL EMERGENCY RESPONSIBILITIES.—

11 “(1) IN GENERAL.—Subject to the direction
12 and control of the Secretary, the Under Secretary,
13 during a national emergency, shall have the fol-
14 lowing responsibilities:

15 “(A) To coordinate domestic transpor-
16 tation, including aviation, rail, and other sur-
17 face transportation, and maritime transpor-
18 tation (including port security).

19 “(B) To coordinate and oversee the trans-
20 portation-related responsibilities of other de-
21 partments and agencies of the Federal Govern-
22 ment other than the Department of Defense
23 and the military departments.

24 “(C) To coordinate and provide notice to
25 other departments and agencies of the Federal

1 Government, and appropriate agencies of State
2 and local governments, including departments
3 and agencies for transportation, law enforce-
4 ment, and border control, about threats to
5 transportation.

6 “(D) To carry out such other duties, and
7 exercise such other powers, relating to transpor-
8 tation during a national emergency as the Sec-
9 retary shall prescribe.

10 “(2) AUTHORITY OF OTHER DEPARTMENTS
11 AND AGENCIES.—The authority of the Under Sec-
12 retary under this subsection shall not supersede the
13 authority of any other department or agency of the
14 Federal Government under law with respect to
15 transportation or transportation-related matters,
16 whether or not during a national emergency.

17 “(3) CIRCUMSTANCES.—The Secretary shall
18 prescribe the circumstances constituting a national
19 emergency for purposes of this subsection.

20 “(h) MANAGEMENT OF SECURITY INFORMATION.—
21 In consultation with the Transportation Security Over-
22 sight Board, the Under Secretary shall—

23 “(1) enter into memoranda of understanding
24 with Federal agencies or other entities to share or
25 otherwise cross-check as necessary data on individ-

1 uals identified on Federal agency databases who
2 may pose a risk to transportation or national secu-
3 rity;

4 “(2) establish procedures for notifying the Ad-
5 ministrator of the Federal Aviation Administration,
6 appropriate State and local law enforcement offi-
7 cials, and airport or airline security officers of the
8 identity of individuals known to pose, or suspected
9 of posing, a risk of air piracy or terrorism or a
10 threat to airline or passenger safety;

11 “(3) in consultation with other appropriate
12 Federal agencies and air carriers, establish policies
13 and procedures requiring air carriers—

14 “(A) to use information from government
15 agencies to identify individuals on passenger
16 lists who may be a threat to civil aviation or na-
17 tional security; and

18 “(B) if such an individual is identified, no-
19 tify appropriate law enforcement agencies, pre-
20 vent the individual from boarding an aircraft,
21 or take other appropriate action with respect to
22 that individual; and

23 “(4) consider requiring passenger air carriers to
24 share passenger lists with appropriate Federal agen-
25 cies for the purpose of identifying individuals who

1 may pose a threat to aviation safety or national se-
2 curity.

3 “(i) VIEW OF NTSB.—In taking any action under
4 this section that could affect safety, the Under Secretary
5 shall give great weight to the timely views of the National
6 Transportation Safety Board.

7 “(j) ACQUISITIONS.—

8 “(1) IN GENERAL.—The Under Secretary is
9 authorized—

10 “(A) to acquire (by purchase, lease, con-
11 demnation, or otherwise) such real property, or
12 any interest therein, within and outside the con-
13 tinental United States, as the Under Secretary
14 considers necessary;

15 “(B) to acquire (by purchase, lease, con-
16 demnation, or otherwise) and to construct, re-
17 pair, operate, and maintain such personal prop-
18 erty (including office space and patents), or any
19 interest therein, within and outside the conti-
20 nental United States, as the Under Secretary
21 considers necessary;

22 “(C) to lease to others such real and per-
23 sonal property and to provide by contract or
24 otherwise for necessary facilities for the welfare

1 of its employees and to acquire maintain and
2 operate equipment for these facilities;

3 “(D) to acquire services, including such
4 personal services as the Secretary determines
5 necessary, and to acquire (by purchase, lease,
6 condemnation, or otherwise) and to construct,
7 repair, operate, and maintain research and test-
8 ing sites and facilities; and

9 “(E) in cooperation with the Administrator
10 of the Federal Aviation Administration, to uti-
11 lize the research and development facilities of
12 the Federal Aviation Administration.

13 “(2) TITLE.—Title to any property or interest
14 therein acquired pursuant to this subsection shall be
15 held by the Government of the United States.

16 “(k) TRANSFERS OF FUNDS.—The Under Secretary
17 is authorized to accept transfers of unobligated balances
18 and unexpended balances of funds appropriated to other
19 Federal agencies (as such term is defined in section
20 551(1) of title 5) to carry out functions transferred, on
21 or after the date of enactment of the Aviation and Trans-
22 portation Security Act, by law to the Under Secretary.

23 “(l) REGULATIONS.—

24 “(1) IN GENERAL.—The Under Secretary is au-
25 thorized to issue, rescind, and revise such regula-

1 tions as are necessary to carry out the functions of
2 the Administration.

3 “(2) EMERGENCY PROCEDURES.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law or executive order (in-
6 cluding an executive order requiring a cost-ben-
7 efit analysis), if the Under Secretary deter-
8 mines that a regulation or security directive
9 must be issued immediately in order to protect
10 transportation security, the Under Secretary
11 shall issue the regulation or security directive
12 without providing notice or an opportunity for
13 comment and without prior approval of the Sec-
14 retary.

15 “(B) REVIEW BY TRANSPORTATION SECU-
16 RITY OVERSIGHT BOARD.—Any regulation or
17 security directive issued under this paragraph
18 shall be subject to review by the Transportation
19 Security Oversight Board established under sec-
20 tion 115. Any regulation or security directive
21 issued under this paragraph shall remain effec-
22 tive unless disapproved by the Board or re-
23 scinded by the Under Secretary.

24 “(3) FACTORS TO CONSIDER.—In determining
25 whether to issue, rescind, or revise a regulation

1 under this section, the Under Secretary shall con-
2 sider, as a factor in the final determination, whether
3 the costs of the regulation are excessive in relation
4 to the enhancement of security the regulation will
5 provide. The Under Secretary may waive require-
6 ments for an analysis that estimates the number of
7 lives that will be saved by the regulation and the
8 monetary value of such lives if the Under Secretary
9 determines that it is not feasible to make such an
10 estimate.

11 “(4) AIRWORTHINESS OBJECTIONS BY FAA.—

12 “(A) IN GENERAL.—The Under Secretary
13 shall not take an aviation security action under
14 this title if the Administrator of the Federal
15 Aviation Administration notifies the Under Sec-
16 retary that the action could adversely affect the
17 airworthiness of an aircraft.

18 “(B) REVIEW BY SECRETARY.—Notwith-
19 standing subparagraph (A), the Under Sec-
20 retary may take such an action, after receiving
21 a notification concerning the action from the
22 Administrator under subparagraph (A), if the
23 Secretary of Transportation subsequently ap-
24 proves the action.

1 “(m) PERSONNEL AND SERVICES; COOPERATION BY
2 UNDER SECRETARY.—

3 “(1) AUTHORITY OF UNDER SECRETARY.—In
4 carrying out the functions of the Administration, the
5 Under Secretary shall have the same authority as is
6 provided to the Administrator of the Federal Avia-
7 tion Administration under subsections (l) and (m) of
8 section 106.

9 “(2) AUTHORITY OF AGENCY HEADS.—The
10 head of a Federal agency shall have the same au-
11 thority to provide services, supplies, equipment, per-
12 sonnel, and facilities to the Under Secretary as the
13 head has to provide services, supplies, equipment,
14 personnel, and facilities to the Administrator of the
15 Federal Aviation Administration under section
16 106(m).

17 “(n) PERSONNEL MANAGEMENT SYSTEM.—The per-
18 sonnel management system established by the Adminis-
19 trator of the Federal Aviation Administration under sec-
20 tion 40122 shall apply to employees of the Transportation
21 Security Administration, or, subject to the requirements
22 of such section, the Under Secretary may make such modi-
23 fications to the personnel management system with re-
24 spect to such employees as the Under Secretary considers

1 appropriate, such as adopting aspects of other personnel
2 systems of the Department of Transportation.

3 “(o) ACQUISITION MANAGEMENT SYSTEM.—The ac-
4 quisition management system established by the Adminis-
5 trator of the Federal Aviation Administration under sec-
6 tion 40110 shall apply to acquisitions of equipment, sup-
7 plies, and materials by the Transportation Security Ad-
8 ministration, or, subject to the requirements of such sec-
9 tion, the Under Secretary may make such modifications
10 to the acquisition management system with respect to
11 such acquisitions of equipment, supplies, and materials as
12 the Under Secretary considers appropriate, such as adopt-
13 ing aspects of other acquisition management systems of
14 the Department of Transportation.

15 “(p) AUTHORITY OF INSPECTOR GENERAL.—The
16 Transportation Security Administration shall be subject to
17 the Inspector General Act of 1978 (5 U.S.C. App.) and
18 other laws relating to the authority of the Inspector Gen-
19 eral of the Department of Transportation.

20 “(q) LAW ENFORCEMENT POWERS.—

21 “(1) IN GENERAL.—The Under Secretary may
22 designate an employee of the Transportation Secu-
23 rity Administration to serve as a law enforcement of-
24 ficer.

1 “(2) POWERS.—While engaged in official duties
2 of the Administration as required to fulfill the re-
3 sponsibilities under this section, a law enforcement
4 officer designated under paragraph (1) may—

5 “(A) carry a firearm;

6 “(B) make an arrest without a warrant for
7 any offense against the United States com-
8 mitted in the presence of the officer, or for any
9 felony cognizable under the laws of the United
10 States if the officer has probable cause to be-
11 lieve that the person to be arrested has com-
12 mitted or is committing the felony; and

13 “(C) seek and execute warrants for arrest
14 or seizure of evidence issued under the author-
15 ity of the United States upon probable cause
16 that a violation has been committed.

17 “(3) GUIDELINES ON EXERCISE OF AUTHOR-
18 ITY.—The authority provided by this subsection
19 shall be exercised in accordance with guidelines pre-
20 scribed by the Under Secretary, in consultation with
21 the Attorney General of the United States, and shall
22 include adherence to the Attorney General’s policy
23 on use of deadly force.

24 “(4) REVOCATION OR SUSPENSION OF AUTHOR-
25 ITY.—The powers authorized by this subsection may

1 be rescinded or suspended should the Attorney Gen-
2 eral determine that the Under Secretary has not
3 complied with the guidelines prescribed in paragraph
4 (3) and conveys the determination in writing to the
5 Secretary of Transportation and the Under Sec-
6 retary.

7 "(r) AUTHORITY TO EXEMPT.—The Under Secretary
8 may grant an exemption from a regulation prescribed in
9 carrying out this section if the Under Secretary deter-
10 mines that the exemption is in the public interest."

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 1 of such title is amended by adding at the end
13 the following:

"114. Transportation Security Administration."

14 (c) POSITION OF UNDER SECRETARY IN EXECUTIVE
15 SCHEDULE.—

16 (1) IN GENERAL.—Section 5313 of title 5,
17 United States Code, is amended by adding at the
18 end the following:

19 "The Under Secretary of Transportation for
20 Security."

21 (2) BONUS ELIGIBILITY.—In addition to the
22 annual rate of pay authorized by section 5313 of
23 title 5, United States Code, the Under Secretary
24 may receive a bonus for any calendar year not to ex-
25 ceed 30 percent of the annual rate of pay, based on

1 the Secretary's evaluation of the Under Secretary's
2 performance.

3 (3) CONFORMING CHANGE.—Section
4 106(r)(2)(A) of title 49, United States Code, is
5 amended to read as follows:

6 “(A) IN GENERAL.—The Chief Operating
7 Officer shall be paid at an annual rate of basic
8 pay to be determined by the Administrator,
9 with the approval of the Air Traffic Services
10 Subcommittee of the Aviation Management Ad-
11 visory Council. The annual rate may not exceed
12 the annual compensation paid under section
13 102 of title 3. The Chief Operating Officer shall
14 be subject to the post-employment provisions of
15 section 207 of title 18 as if the position of
16 Chief Operating Officer were described in sec-
17 tion 207(c)(2)(A)(i) of that title.”.

18 (d) COOPERATION WITH OTHER AGENCIES.—The
19 last sentence of section 106(m) of such title is amended
20 by striking “supplies and” and inserting “supplies, per-
21 sonnel, services, and”.

22 (e) SECURITY AND RESEARCH AND DEVELOPMENT
23 ACTIVITIES.—Section 40119 of such title is amended—

24 (1) in subsection (a) by striking “Administrator
25 of the Federal Aviation Administration” and insert-

1 ing "Under Secretary of Transportation for Secu-
2 rity";

3 (2) in subsections (b) and (c) by striking "Ad-
4 ministrator" each place it appears and inserting
5 "Under Secretary"; and

6 (3) in subsection (b)(1)(C) by striking "air".

7 (f) REFERENCES TO FAA IN CHAPTER 449.—Chap-
8 ter 449 of such title is amended—

9 (1) in section 44904(b)(5) by striking "the Ad-
10 ministration" and inserting "the Transportation Se-
11 curity Administration";

12 (2) in the second sentence of section
13 44913(a)(1) by striking "of the Administration" and
14 inserting "of the Transportation Security Adminis-
15 tration";

16 (3) in section 44916(a)—

17 (A) in the first sentence by striking "Ad-
18 ministrator" and inserting "Under Secretary of
19 Transportation for Security"; and

20 (B) in the second sentence by striking
21 "Administration" and inserting "Transpor-
22 tation Security Administration";

23 (4) in each of sections 44933(a) and 44934(b)
24 by striking "Assistant Administrator for Civil Avia-
25 tion Security" and inserting "Under Secretary";

1 (5) in section 44934(b)(1) by striking "Assist-
2 ant Administrator" and inserting "Under Sec-
3 retary";

4 (6) by striking sections 44931 and 44932 and
5 the items relating to such sections in the analysis for
6 such chapter;

7 (7) by striking "Administrator" each place it
8 appears in such chapter (except in subsections (f)
9 and (h) of section 44936) and inserting "Under Sec-
10 retary";

11 (8) by striking "Administrator's" each place it
12 appears in such chapter and inserting "Under Sec-
13 retary's"; and

14 (9) by striking "of the Federal Aviation Admin-
15 istration" each place it appears in such chapter (ex-
16 cept in section 44936(f)) and inserting "of Trans-
17 portation for Security".

18 (g) TRANSITION PROVISIONS.—

19 (1) SCHEDULE FOR ASSUMPTION OF CIVIL
20 AVIATION SECURITY FUNCTIONS.—Not later than 3
21 months after the date of enactment of this Act, the
22 Under Secretary of Transportation for Security shall
23 assume civil aviation security functions and respon-
24 sibilities under chapter 449 of title 49, United
25 States Code, as amended by this Act, in accordance

1 with a schedule to be developed by the Secretary of
2 Transportation, in consultation with air carriers, for-
3 eign air carriers, and the Administrator of the Fed-
4 eral Aviation Administration. The Under Secretary
5 shall publish an appropriate notice of the transfer of
6 such security functions and responsibilities before
7 assuming the functions and responsibilities.

8 (2) ASSUMPTION OF CONTRACTS.—As of the
9 date specified in paragraph (1), the Under Secretary
10 may assume the rights and responsibilities of an air
11 carrier or foreign air carrier contract for provision
12 of passenger screening services at airports in the
13 United States described in section 44903(c), subject
14 to payment of adequate compensation to parties to
15 the contract.

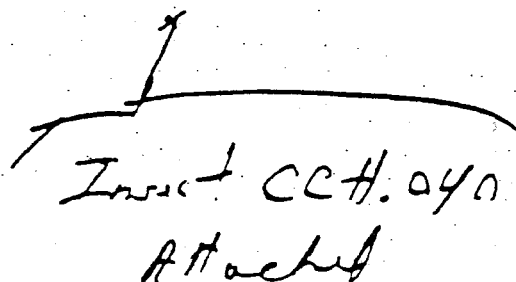
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16 (3) ASSIGNMENT OF CONTRACTS.—

17 (A) IN GENERAL.—Upon request of the
18 Under Secretary, an air carrier or foreign air
19 carrier carrying out a screening or security
20 function under chapter 449 of title 49, United
21 States Code, may enter into an agreement with
22 the Under Secretary to transfer any contract
23 the carrier has entered into with respect to car-
24 rying out the function, before the Under Sec-
25 retary assumes responsibility for the function.

1 (B) SCHEDULE.—The Under Secretary
2 may enter into an agreement under subpara-
3 graph (A) as soon as possible, but not later
4 than 90 days after the date of enactment of
5 this Act. The Under Secretary may enter into
6 such an agreement for one 180-day period and
7 may extend such agreement for one 90-day pe-
8 riod if the Under Secretary determines it nec-
9 essary.

10 (4) TRANSFER OF OWNERSHIP.—In recognition
11 of the assumption of the financial costs of security
12 screening of passengers and property at airports,
13 and as soon as practical after the date of enactment
14 of this Act, air carriers may enter into agreements
15 with the Under Secretary to transfer the ownership,
16 at no cost to the United States Government, of any
17 personal property, equipment, supplies, or other ma-
18 terial associated with such screening, regardless of
19 the source of funds used to acquire the property,
20 that the Secretary determines to be useful for the
21 performance of security screening of passengers and
22 property at airports.

A handwritten signature, possibly "Insect", is written above the initials "CCH.040". Below the initials, the word "Attached" is written.

— INSERT TO PAGE 20

1 (5) PERFORMANCE OF UNDER SECRETARY'S
2 FUNCTIONS DURING INTERIM PERIOD.—Until the
3 Under Secretary takes office, the functions of the
4 Under Secretary that relate to aviation security may
5 be carried out by the Secretary or the Secretary's
6 designee.

1 SEC. 102. TRANSPORTATION SECURITY OVERSIGHT BOARD.

2 (a) IN GENERAL.—Chapter 1 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “§ 115. Transportation Security Oversight Board

6 “(a) IN GENERAL.—There is established in the De-
7 partment of Transportation a board to be known as the
8 ‘Transportation Security Oversight Board’.

9 “(b) MEMBERSHIP.—

10 “(1) NUMBER AND APPOINTMENT.—The Board
11 shall be composed of 7 members as follows:

12 “(A) The Secretary of Transportation, or
13 the Secretary’s designee.

14 “(B) The Attorney General, or the Attor-
15 ney General’s designee.

16 “(C) The Secretary of Defense, or the Sec-
17 retary’s designee.

18 “(D) The Secretary of the Treasury, or the
19 Secretary’s designee.

20 “(E) The Director of the Central Intel-
21 ligence Agency, or the Director’s designee.

22 “(F) One member appointed by the Presi-
23 dent to represent the National Security Council.

24 “(G) One member appointed by the Presi-
25 dent to represent the Office of Homeland Secu-
26 rity.

1 “(2) CHAIRPERSON.—The Chairperson of the
2 Board shall be the Secretary of Transportation.

3 “(c) DUTIES.—The Board shall—

4 “(1) review and ratify or disapprove any regula-
5 tion or security directive issued by the Under Sec-
6 retary of Transportation for security under section
7 114(l)(2) within 30 days after the date of issuance
8 of such regulation or directive;

9 “(2) facilitate the coordination of intelligence,
10 security, and law enforcement activities affecting
11 transportation;

12 “(3) facilitate the sharing of intelligence, secu-
13 rity, and law enforcement information affecting
14 transportation among Federal agencies and with
15 carriers and other transportation providers as appro-
16 priate;

17 “(4) explore the technical feasibility of devel-
18 oping a common database of individuals who may
19 pose a threat to transportation or national security;

20 “(5) review plans for transportation security;

21 “(6) make recommendations to the Under Sec-
22 retary regarding matters reviewed under paragraph
23 (5).

24 “(d) QUARTERLY MEETINGS.—The Board shall meet
25 at least quarterly.

1 “(e) CONSIDERATION OF SECURITY INFORMATION.—

2 A majority of the Board may vote to close a meeting of
3 the Board to the public, except that meetings shall be
4 closed to the public whenever classified, sensitive security
5 information, or information protected in accordance with
6 section 40119(b), will be discussed.”.

7 (b) POLICIES AND PROCEDURES.—Section 44911(b)
8 of such title is amended by striking “international”.

9 (c) STRATEGIC PLANNING.—Section 44911(c) of
10 such title is amended by striking “consider placing” and
11 inserting “place”.

12 (d) CONFORMING AMENDMENT.—The analysis for
13 chapter 1 of such title is amended by adding at the end
14 the following:

“115. Transportation Security Oversight Board.”.

15 **SEC. 103. FEDERAL SECURITY MANAGERS.**

16 Section 44933 of title 49, United States Code, is
17 amended to read as follows:

18 **“§ 44933. Federal Security Managers**

19 “(a) ESTABLISHMENT, DESIGNATION, AND STA-
20 TIONING.—The Under Secretary of Transportation for Se-
21 curity shall establish the position of Federal Security Man-
22 ager at each airport in the United States described in sec-
23 tion 44903(c). The Under Secretary shall designate indi-
24 viduals as Managers for, and station those Managers at,
25 those airports.

1 “(b) DUTIES AND POWERS.—The Manager at each
2 airport shall—

3 “(1) oversee the screening of passengers and
4 property at the airport; and

5 “(2) carry out other duties prescribed by the
6 Under Secretary.”.

7 **SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.**

8 “(a) IN GENERAL.—As soon as possible after the date
9 of enactment of this Act, the Administrator of the Federal
10 Aviation Administration shall—

11 “(1) issue an order (without regard to the provi-
12 sions of chapter 5 of title 5, United States Code)—

13 “(A) prohibiting access to the flight deck of
14 aircraft engaged in passenger air transportation
15 or intrastate air transportation that are re-
16 quired to have a door between the passenger
17 and pilot compartments under title 14, Code of
18 Federal Regulations, except to authorized per-
19 sons;

20 “(B) requiring the strengthening of the
21 flight deck door and locks on any such aircraft
22 operating in air transportation or intrastate air
23 transportation that has a rigid door in a bulk-
24 head between the flight deck and the passenger

1 area to ensure that the door cannot be forced
2 open from the passenger compartment;

3 (C) requiring that such flight deck doors
4 remain locked while any such aircraft is in
5 flight except when necessary to permit access
6 and egress by authorized persons; and

7 (D) prohibiting the possession of a key to
8 any such flight deck door by any member of the
9 flight crew who is not assigned to the flight
10 deck; and

11 (2) take such other action, including modifica-
12 tion of safety and security procedures and flight
13 deck redesign, as may be necessary to ensure the
14 safety and security of the aircraft.

15 (b) IMPLEMENTATION OF OTHER METHODS.—As
16 soon as possible after such date of enactment, the Admin-
17 istrator of the Federal Aviation Administration may de-
18 velop and implement methods—

19 (1) to use video monitors or other devices to
20 alert pilots in the flight deck to activity in the cabin,
21 except that the use of such monitors or devices shall
22 be subject to nondisclosure requirements applicable
23 to cockpit video recordings under section 1114(c);

24 (2) to ensure continuous operation of an air-
25 craft transponder in the event of an emergency; and

1 (3) to revise the procedures by which cabin
2 crews of aircraft can notify flight deck crews of se-
3 curity breaches and other emergencies, including
4 providing for the installation of switches or other de-
5 vices or methods in an aircraft cabin to enable flight
6 crews to discreetly notify the pilots in the case of a
7 security breach occurring in the cabin.

8 (c) COMMUTER AIRCRAFT.—The Administrator shall
9 investigate means of securing the flight deck of scheduled
10 passenger aircraft operating in air transportation or intra-
11 state air transportation that do not have a rigid fixed door
12 with a lock between the passenger compartment and the
13 flight deck and issue such an order as the Administrator
14 deems appropriate to ensure the inaccessibility, to the
15 greatest extent feasible, of the flight deck while the air-
16 craft is so operating, taking into consideration such air-
17 craft operating in regions where there is minimal threat
18 to aviation security or national security.

19 **SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

20 (a) IN GENERAL.—Subchapter I of chapter 449 of
21 title 49, United States Code, is amended by adding at the
22 end the following:

1 **“§ 44917. Deployment of Federal air marshals**

2 “(a) IN GENERAL.—The Under Secretary of Trans-
3 portation for Security under the authority provided by sec-
4 tion 44903(d)—

5 “(1) may provide for deployment of Federal air
6 marshals on every passenger flight of air carriers in
7 air transportation or intrastate air transportation;

8 “(2) shall provide for deployment of Federal air
9 marshals on every such flight determined by the Sec-
10 retary to present high security risks;

11 “(3) shall provide for appropriate training, su-
12 pervision, and equipment of Federal air marshals;

13 “(4) shall require air carriers providing flights
14 described in paragraph (1) to provide seating for a
15 Federal air marshal on any such flight without re-
16 gard to the availability of seats on the flight and at
17 no cost to the United States Government or the
18 marshal;

19 “(5) may require air carriers to provide, on a
20 space-available basis, to an off-duty Federal air mar-
21 shal a seat on a flight to the airport nearest the
22 marshal's home at no cost to the marshal or the
23 United States Government if the marshal is trav-
24 eling to that airport after completing his or her se-
25 curity duties;

1 “(6) may enter into agreements with Federal,
2 State, and local agencies under which appropriately-
3 trained law enforcement personnel from such agen-
4 cies, when traveling on a flight of an air carrier, will
5 carry a firearm and be prepared to assist Federal
6 air marshals;

7 “(7) shall establish procedures to ensure that
8 Federal air marshals are made aware of any armed
9 or unarmed law enforcement personnel on board an
10 aircraft; and

11 “(8) may appoint—

12 “(A) an individual who is a retired law en-
13 forcement officer;

14 “(B) an individual who is a retired mem-
15 ber of the Armed Forces; and

16 “(C) an individual who has been fur-
17 loughed from an air carrier crew position in the
18 1-year period beginning on September 11,
19 2001,

20 as a Federal air marshal, regardless of age, if the
21 individual otherwise meets the background and fit-
22 ness qualifications required for Federal air marshals

23 “(b) LONG DISTANCE FLIGHTS.—In making the de-
24 termination under subsection (a)(2), nonstop, long dis-

1 tance flights, such as those targeted on September 11,
2 2001, should be a priority.

3 “(c) INTERIM MEASURES.—Until the Under Sec-
4 retary completes implementation of subsection (a), the
5 Under Secretary may use, after consultation with and con-
6 currence of the heads of other Federal agencies and de-
7 partments, personnel from those agencies and depart-
8 ments, on a nonreimbursable basis, to provide air marshal
9 service.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 449 of such title is amended by adding after the
12 item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

13 (c) BASIC PAY DEFINED.—Section 8331(3)(E) of
14 title 5, United States Code, is amended to read as follows:

15 “(E) availability pay—

16 “(i) received by a criminal investigator
17 under section 5545a of this title; or

18 “(ii) received after September 11,
19 2001, by a Federal air marshal of the De-
20 partment of Transportation, subject to all
21 restrictions and earning limitations im-
22 posed on criminal investigators under sec-
23 tion 5545a;”.

1 SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECU-
2 RITY.

3 (a) IN GENERAL.—Section 44903 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(h) IMPROVED AIRPORT PERIMETER ACCESS SECU-
7 RITY.—

8 “(1) IN GENERAL.—The Under Secretary, in
9 consultation with the airport operator and law en-
10 forcement authorities, may order the deployment of
11 such personnel at any secure area of the airport as
12 necessary to counter the risk of criminal violence,
13 the risk of aircraft piracy at the airport, the risk to
14 air carrier aircraft operations at the airport, or to
15 meet national security concerns.

16 “(2) SECURITY OF AIRCRAFT AND GROUND AC-
17 CESS TO SECURE AREAS.—In determining where to
18 deploy such personnel, the Under Secretary shall
19 consider the physical security needs of air traffic
20 control facilities, parked aircraft, aircraft servicing
21 equipment, aircraft supplies (including fuel), auto-
22 mobile parking facilities within airport perimeters or
23 adjacent to secured facilities, and access and transi-
24 tion areas at airports served by other means of
25 ground or water transportation.

1 “(3) DEPLOYMENT OF FEDERAL LAW EN-
2 FORCEMENT PERSONNEL.—The Secretary may enter
3 into a memorandum of understanding or other
4 agreement with the Attorney General or the head of
5 any other appropriate Federal law enforcement
6 agency to deploy Federal law enforcement personnel
7 at an airport in order to meet aviation safety and se-
8 curity concerns.

9 “(4) AIRPORT PERIMETER SCREENING.—The
10 Under Secretary—

11 “(A) shall require, as soon as practicable
12 after the date of enactment of this subsection,
13 screening or inspection of all individuals, goods,
14 property, vehicles, and other equipment before
15 entry into a secured area of an airport in the
16 United States described in section 44903(c);

17 “(B) shall prescribe specific requirements
18 for such screening and inspection that will as-
19 sure at least the same level of protection as will
20 result from screening of passengers and their
21 baggage;

22 “(C) shall establish procedures to ensure
23 the safety and integrity of—

24 “(i) all persons providing services with
25 respect to aircraft providing passenger air

1 transportation or intrastate air transpor-
2 tation and facilities of such persons at an
3 airport in the United States described in
4 section 44903(c);

5 “(ii) all supplies, including catering
6 and passenger amenities, placed aboard
7 such aircraft, including the sealing of sup-
8 plies to ensure easy visual detection of
9 tampering; and

10 “(iii) all persons providing such sup-
11 plies and facilities of such persons;

12 “(D) shall require vendors having direct
13 access to the airfield and aircraft to develop se-
14 curity programs; and

15 “(E) may provide for the use of biometric
16 or other technology that positively verifies the
17 identity of each employee and law enforcement
18 officer who enters a secure area of an airport.”.

19 (b) SMALL AND MEDIUM AIRPORTS.—

20 (1) TECHNICAL SUPPORT AND FINANCIAL AS-
21 SISTANCE.—The Under Secretary of Transportation
22 for Security shall develop a plan to—

23 (A) provide technical support to airports,
24 each of which had less than 1 percent of the
25 total annual boardings in the United States for

enplanements

1 the most recent calendar year for which data is
2 available, to enhance security operations; and

3 (B) provide financial assistance to those
4 airports to defray the costs of enhancing secu-
5 rity.

6 (2) REMOVAL OF CERTAIN RESTRICTIONS.—

7 (A) CERTIFICATION BY OPERATOR.—If the
8 operator of an airport described in paragraph
9 (1), after consultation with the appropriate
10 State and local law enforcement authorities, de-
11 termines that safeguards are in place to suffi-
12 ciently protect public safety, and so certifies in
13 writing to the Under Secretary, then any secu-
14 rity rule, order, or other directive restricting the
15 parking of passenger vehicles shall not apply at
16 that airport after the applicable time period
17 specified in subparagraph (B), unless the Under
18 Secretary, taking into account individual airport
19 circumstances, notifies the airport operator that
20 the safeguards in place do not adequately re-
21 spond to specific security risks and that the re-
22 striction must be continued in order to ensure
23 public safety.

24 (B) COUNTERMAND PERIOD.—The time
25 period within which the Secretary may notify an

1 airport operator, after receiving a certification
2 under subparagraph (A), that a restriction
3 must be continued in order to ensure public
4 safety at the airport is—

5 (i) 15 days for a nonhub airport (as
6 defined in section 41714(h) of title 49,
7 United States Code);

8 (ii) 30 days for a small hub airport
9 (as defined in such section);

10 (iii) 60 days for a medium hub airport
11 (as defined in such section); and

12 (iv) 120 days for an airport that had
13 at least 1 percent of the total annual
14 ~~boardings~~ in the United States for the
15 most recent calendar year for which data is
16 available.

17 (c) IMPROVEMENT OF SECURED-AREA ACCESS CON-
18 TROL.—Section 44903(g)(2) of title 49, United States
19 Code, is amended—

20 (1) by striking “weaknesses by January 31,
21 2001;” in subparagraph (A) and inserting “weak-
22 nesses;”;

23 (2) by striking subparagraph (D) and inserting
24 the following:

enplacements

1 “(D) on an ongoing basis, assess and test
2 for compliance with access control require-
3 ments, report annually findings of the assess-
4 ments, and assess the effectiveness of penalties
5 in ensuring compliance with security procedures
6 and take any other appropriate enforcement ac-
7 tions when noncompliance is found;”;

8 (3) by striking “program by January 31,
9 2001;” in subparagraph (F) and inserting “pro-
10 gram;”; and

11 (4) by striking subparagraph (G) and inserting
12 the following:

13 “(G) work with airport operators to
14 strengthen access control points in secured
15 areas (including air traffic control operations
16 areas, maintenance areas, crew lounges, bag-
17 gage handling areas, concessions, and catering
18 delivery areas) to ensure the security of pas-
19 sengers and aircraft and consider the deploy-
20 ment of biometric or similar technologies that
21 identify individuals based on unique personal
22 characteristics.”.

23 (d) AIRPORT SECURITY PILOT PROGRAM.—Section
24 44903(c) of title 49, United States Code, is amended by
25 adding at the end the following:

1 “(3) PILOT PROGRAMS.—The Administrator
2 shall establish pilot programs in no fewer than 20
3 airports to test and evaluate new and emerging tech-
4 nology for providing access control and other secu-
5 rity protections for closed or secure areas of the air-
6 ports. Such technology may include biometric or
7 other technology that ensures only authorized access
8 to secure areas.”.

9 (e) AIRPORT SECURITY AWARENESS PROGRAMS.—
10 The Under Secretary of Transportation for Security shall
11 require scheduled passenger air carriers, and airports in
12 the United States described in section 44903(c) to develop
13 security awareness programs for airport employees,
14 ground crews, gate, ticket, and curbside agents of the air
15 carriers, and other individuals employed at such airports.
16 **SEC. 107. CREW TRAINING.**

17 (a) IN GENERAL.—Subchapter I of chapter 449 of
18 title 49, United States Code, is amended by adding at the
19 end the following:

20 **“§ 44918. Crew training**

21 “(a) IN GENERAL.—Not later than 60 days after the
22 date of enactment of the Aviation and Transportation Se-
23 curity Act, the Administrator of the Federal Aviation Ad-
24 ministration, in consultation with the Under Secretary of
25 Transportation for Security, appropriate law enforcement,

1 security, and terrorism experts, representatives of air car-
2 riers and labor organizations representing individuals em-
3 ployed in commercial aviation, shall develop detailed guid-
4 ance for a scheduled passenger air carrier flight and cabin
5 crew training program to prepare crew members for poten-
6 tial threat conditions.

7 “(b) PROGRAM ELEMENTS.—The guidance shall re-
8 quire such a program to include, at a minimum, elements
9 that address the following:

10 “(1) Determination of the seriousness of any
11 occurrence.

12 “(2) Crew communication and coordination.

13 “(3) Appropriate responses to defend oneself.

14 “(4) Use of protective devices assigned to crew
15 members (to the extent such devices are required by
16 the Administrator or Under Secretary).

17 “(5) Psychology of terrorists to cope with hi-
18 jacker behavior and passenger responses.

19 “(6) Live situational training exercises regard-
20 ing various threat conditions.

21 “(7) Flight deck procedures or aircraft maneu-
22 vers to defend the aircraft.

23 “(8) Any other subject matter deemed appro-
24 priate by the Administrator.

1 “(c) AIR CARRIER PROGRAMS.—Within 60 days after
2 the Administrator issues the guidance under subsection
3 (a) in final form, each air carrier shall develop a flight
4 and cabin crew training program in accordance with that
5 guidance and submit it to the Administrator for approval.
6 Within 30 days after receiving an air carrier’s program
7 under this subsection, the Administrator shall review the
8 program and approve it or require the air carrier to make
9 any revisions deemed necessary by the Administrator for
10 the program to meet the guidance requirements.

11 “(d) TRAINING.—Within 180 days after the Adminis-
12 trator approves the training program developed by an air
13 carrier under this section, the air carrier shall complete
14 the training of all flight and cabin crews in accordance
15 with that program.

16 “(e) UPDATES.—The Administrator shall update the
17 training guidance issued under subsection (a) from time
18 to time to reflect new or different security threats and re-
19 quire air carriers to revise their programs accordingly and
20 provide additional training to their flight and cabin
21 crews.”.

22 (b) CONFORMING AMENDMENT.—The chapter anal-
23 ysis for chapter 449 of title 49, United States Code, is
24 amended by inserting after the item relating to section
25 449 the following:

“44918. Crew training.”.

1 SEC. 108. SECURITY SCREENING BY PRIVATE COMPANIES.

2 (a) IN GENERAL.—Subchapter I of chapter 449 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 “§ 44919. Security screening pilot program

6 “(a) ESTABLISHMENT OF PROGRAM.—The Under
7 Secretary shall establish a pilot program under which,
8 upon approval of an application submitted by an operator
9 of an airport, the screening of passengers and property
10 at the airport under section 44901 will be carried out by
11 the screening personnel of a qualified private screening
12 company under a contract entered into with the Under
13 Secretary.

14 “(b) PERIOD OF PILOT PROGRAM.—The pilot pro-
15 gram under this section shall begin on the last day of the
16 1-year period beginning on the date of enactment of this
17 section and end on the last day of the 3-year period begin-
18 ning on such date of enactment.

19 “(c) APPLICATIONS.—An operator of an airport may
20 submit to the Under Secretary an application to partici-
21 pate in the pilot program under this section.

22 “(d) SELECTION OF AIRPORTS.—From among appli-
23 cations submitted under subsection (c), the Under Sec-
24 retary may select for participation in the pilot program
25 not more than 1 airport from each of the 5 airport security
26 risk categories, as defined by the Under Secretary.

1 “(e) SUPERVISION OF SCREENED PERSONNEL.—The
2 Under Secretary shall provide Federal Government super-
3 visors to oversee all screening at each airport participating
4 in the pilot program under this section and provide Fed-
5 eral Government law enforcement officers at the airport.

*pursuant
to this
chapter*

6 “(f) QUALIFIED PRIVATE SCREENING COMPANY.—A
7 private screening company is qualified to provide screening
8 services at an airport participating in the pilot program
9 under this section if the company will only employ individ-
10 uals to provide such services who meet all the require-
11 ments of this chapter applicable to Federal Government
12 personnel who perform screening services at airports
13 under this chapter and will provide compensation and
14 other benefits to such individuals that are not less than
15 the level of compensation and other benefits provided to
16 such Federal Government personnel in accordance with
17 this chapter.

18 “(g) STANDARDS FOR PRIVATE SCREENING COMPA-
19 NIES.—The Under Secretary may enter into a contract
20 with a private screening company to provide screening at
21 an airport participating in the pilot program under this
22 section only if the Under Secretary determines and cer-
23 tifies to Congress that the private screening company is
24 owned and controlled by a citizen of the United States,
25 to the extent that the ~~President~~ determines that there are

*Under
Secretary*

1 private screening companies owned and controlled by such
2 citizens.

3 “(h) TERMINATION OF CONTRACTS.—The Under
4 Secretary may terminate any contract entered into with
5 a private screening company to provide screening services
6 at an airport under the pilot program if the Under Sec-
7 retary finds that the company has failed repeatedly to
8 comply with any standard, regulation, directive, order,
9 law, or contract applicable to the hiring or training of per-
10 sonnel to provide such services or to the provision of
11 screening at the airport.

12 “(i) ELECTION.—If a contract is in effect with re-
13 spect to screening at an airport under the pilot program
14 on the last day of the 3-year period beginning on the date
15 of enactment of this section, the operator of the airport
16 may elect to continue to have such screening carried out
17 by the screening personnel of a qualified private screening
18 company under a contract entered into with the Under
19 Secretary under section 44920 or by Federal Government
20 personnel in accordance with this chapter.

21 **“§ 44920. Security screening opt-out program**

22 “(a) IN GENERAL.—On or after the last day of the
23 2-year period beginning on the date on which the Under
24 Secretary transmits to Congress the certification required
25 by section ~~101(g)(2)(B)~~ of the Aviation and Transpor-

110(c)

1 tation Security Act, an operator of an airport may submit
2 to the Under Secretary an application to have the screen-
3 ing of passengers and property at the airport under sec-
4 tion 44901 to be carried out by the screening personnel
5 of a qualified private screening company under a contract
6 entered into with the Under Secretary.

7 “(b) APPROVAL OF APPLICATIONS.—The Under Sec-
8 retary may approve any application submitted under sub-
9 section (a).

10 “(c) QUALIFIED PRIVATE SCREENING COMPANY.—
11 A private screening company is qualified to provide screen-
12 ing services at an airport under this section if the company
13 will only employ individuals to provide such services who
14 meet all the requirements of this chapter applicable to
15 Federal Government personnel who perform screening
16 services at airports under this chapter and will provide
17 compensation and other benefits to such individuals that
18 are not less than the level of compensation and other bene-
19 fits provided to such Federal Government personnel in ac-
20 cordance with this chapter.

21 “(d) STANDARDS FOR PRIVATE SCREENING COMPA-
22 NIES.—The Under Secretary may enter into a contract
23 with a private screening company to provide screening at
24 an airport under this section only if the Under Secretary
25 determines and certifies to Congress that—

1 “(1) the level of screening services and protec-
2 tion provided at the airport under the contract will
3 be equal to or greater than the level that would be
4 provided at the airport by Federal Government per-
5 sonnel under this chapter; and

6 “(2) the private screening company is owned
7 and controlled by a citizen of the United States, to
8 the extent that the ~~President~~ determines that there
9 are private screening companies owned and con-
10 trolled by such citizens.

11 “(e) SUPERVISION OF SCREENED PERSONNEL.—The
12 Under Secretary shall provide Federal Government super-
13 visors to oversee all screening at each airport at which
14 screening services are provided under this section and pro-
15 vide Federal Government law enforcement officers at the
16 airport.

17 “(g) TERMINATION OF CONTRACTS.—The Under
18 Secretary may terminate any contract entered into with
19 a private screening company to provide screening services
20 at an airport under this section the pilot program if the
21 Under Secretary finds that the company has failed repeat-
22 edly to comply with any standard, regulation, directive,
23 order, law, or contract applicable to the hiring or training
24 of personnel to provide such services or to the provision
25 of screening at the airport.

Under
Secretary

con. suant
to
this
chapter

- 1 (b) CLERICAL AMENDMENT.—The analysis for such
2 subchapter is amended by adding ~~at the end~~ the following:

"44919. Security screening pilot program.
"44920. Security screening opt-out program."

3 SEC. 109. ENHANCED SECURITY MEASURES.

- 4 (a) IN GENERAL.—The Under Secretary of Trans-
5 portation for Security may take the following actions:

6 (1) Require effective 911 emergency call capa-
7 bility for telephones serving passenger aircraft and
8 passenger trains.

9 (2) Establish a uniform system of identification
10 for all State and local law enforcement personnel for
11 use in obtaining permission to carry weapons in air-
12 craft cabins and in obtaining access to a secured
13 area of an airport, if otherwise authorized to carry
14 such weapons.

15 (3) Establish requirements to implement trust-
16 ed passenger programs and use available tech-
17 nologies to expedite the security screening of pas-
18 sengers who participate in such programs, thereby
19 allowing security screening personnel to focus on
20 those passengers who should be subject to more ex-
21 tensive screening.

22 (4) In consultation with the Commissioner of
23 the Food and Drug Administration, develop alter-
24 native security procedures under which a medical

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the
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to
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44918

1 product to be transported on a flight of an air car-
2 rier would not be subject to an inspection that would
3 irreversibly damage the product.

4 (5) Provide for the use of technologies, includ-
5 ing wireless and wire line data technologies, to en-
6 able the private and secure communication of
7 threats to aid in the screening of passengers and
8 other individuals on airport property who are identi-
9 fied on any State or Federal security-related data
10 base for the purpose of having an integrated re-
11 sponse coordination of various authorized airport se-
12 curity forces.

13 (6) In consultation with the Administrator of
14 the Federal Aviation Administration, consider
15 whether to require all pilot licenses to incorporate a
16 photograph of the license holder and appropriate bi-
17 ometric imprints.

18 (7) Provide for the use of voice stress analysis,
19 biometric, or other technologies to prevent a person
20 who might pose a danger to air safety or security
21 from boarding the aircraft of an air carrier or for-
22 eign air carrier in air transportation or intrastate air
23 transportation.

24 (8) Provide for the use of technology that will
25 permit enhanced instant communications and infor-

1 mation between airborne passenger aircraft and ap-
2 propriate individuals or facilities on the ground.

3 (b) REPORT.—Not later than 6 months after the date
4 of enactment of this Act, and annually thereafter until the
5 Under Secretary has implemented or decided not to take
6 each of the actions specified in subsection (a), the Under
7 Secretary shall transmit to Congress a report on the
8 progress of the Under Secretary in evaluating and taking
9 such actions, including any legislative recommendations
10 that the Under Secretary may have for enhancing trans-
11 portation security.”.

12 **SEC. 110. SCREENING.**

13 (a) REVIEW AND DEVELOPMENT OF WAYS TO
14 STRENGTHEN SECURITY.—Section 44932(c) of title 49,
15 United States Code, is amended—

16 (1) by striking “x-ray” in paragraph (4);

17 (2) by striking “and” at the end of paragraph
18 (4);

19 (3) by striking “passengers.” in paragraph (5)
20 and inserting “passengers;”; and

21 (4) by adding at the end the following:

22 “(6) to strengthen and enhance the ability to
23 detect or neutralize nonexplosive weapons, such as
24 biological, chemical, or similar substances; and

1 “(7) to evaluate such additional measures as
2 may be appropriate to enhance inspection of pas-
3 sengers, baggage, and cargo.”.

4 (b) PASSENGERS AND PROPERTY.—Section 44901 of
5 title 49, United States Code, is amended—

6 (1) by redesignating subsection (c) as sub-
h } ~~section (c);~~ and

8 (2) by striking subsections (a) and (b) and in-
9 serting the following:

10 “(a) IN GENERAL.—The Under Secretary of Trans-
11 portation for Security shall provide for the screening of
12 all passengers and property, including United States mail,
13 cargo, carry-on and checked baggage, and other articles,
14 that will be carried aboard a passenger aircraft operated
15 by an air carrier or foreign air carrier in air transportation
16 or intrastate air transportation. In the case of flights and
17 flight segments originating in the United States, the
18 screening shall take place before boarding and shall be
19 carried out by a Federal Government employee (as defined
20 in section 2105 of title 5, United States Code), except as
21 otherwise provided in section 44919 or 44920, and except
22 for identifying passengers and baggage for screening
23 under the CAPPS and known shipper programs and con-
24 ducting positive bag-match programs.

1 “(b) SUPERVISION OF SCREENING.—All screening of
2 passengers and property at airports in the United States
3 ~~described in section 44902(e)~~ shall be supervised by uni-
4 formed Federal personnel of the Transportation Security
5 Administration who shall have the power to order the dis-
6 missal of any individual performing such screening.

where
screening
is
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under
this

1 that will be carried aboard a passenger aircraft operated
2 by an air carrier or foreign air carrier in air transportation
3 or intrastate air transportation. In the case of flights and
4 flight segments originating in the United States, the
5 screening shall take place before boarding and shall be
6 carried out by a Federal Government employee (as defined
7 in section 2105 of title 5, United States Code), except as
8 otherwise provided in this section [or section 44919].

c) 9 "(b) CHECKED BAGGAGE.—A system must be in op-
10 eration to screen all checked baggage at all airports in
11 the United States as soon as practicable but not later than
12 the 60th day following the date of enactment of the Avia-
13 tion and Transportation Security Act.

14 1) "(c) EXPLOSIVE DETECTION SYSTEMS.—

15 "(1) IN GENERAL.—The Under Secretary of
16 Transportation for Security shall take all necessary
17 action to ensure that—

18 "(A) explosive detection systems are de-
19 ployed, as soon as practicable but not later than
20 December 31, 2002, at all airports in the
21 United States [providing regularly scheduled
22 passenger air service];

23 "(B) all systems deployed under subpara-
24 graph (A) are fully utilized; and

(Insert
A
Applicable)

Insert A to Page 49

1 “(A) explosive detection systems are de-
2 ployed as soon as possible to ensure that all
3 United States airports described in section
4 44903(c) have sufficient explosive detection sys-
5 tems to screen all checked baggage no later
6 than December 31, 2002, and that as soon as
7 such systems are in place at an airport, all
8 checked baggage at the airport is screened by
9 those systems; and



1 “(C) the number of systems to be deployed
2 under subparagraph (A) shall be the number of
3 such systems that is necessary to screen all
4 checked baggage.

*Insert
Attached*

5 e) “(d) MANDATORY SCREENING WHERE EDS NOT
6 YET AVAILABLE.—~~After~~ the 60th day following the date
7 of enactment of the Aviation and Transportation Security
8 Act and until the requirements of subsection (b)(1)(A) are
9 met, the Under Secretary shall require alternative means
10 for screening any piece of checked baggage that is not
11 screened by an explosive detection system. Such alter-
12 native means may include 1 or more of the following:

*As soon
as practi-
cable but
not later
than*

13 “(1) A bag-match program that ensures that no
14 checked baggage is placed aboard an aircraft unless
15 the passenger who checked the baggage is aboard
16 the aircraft.

17 “(2) Manual search.

18 “(3) Search by canine explosive detection units.

19 “(4) Other means or technology approved by
20 the Under Secretary.

*in combination
with
other
means*

21 “(e) CARGO DEADLINE.—A system must be in oper-
22 ation to screen, inspect, or otherwise ensure the security
23 of all cargo that is to be transported in all-cargo aircraft
24 in air transportation and intrastate air transportation as

p. 43

1. P. 50
insert 1, 1.2

"(C) if explosive detection
equipment at airport is
unavailable, all checked
baggage ~~will be~~ is screened
by an alternative means.

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20541

1 soon as practicable after the date of enactment of the
2 Aviation and Transportation Security Act.

9) 3 "(f) DEPLOYMENT OF ARMED PERSONNEL.—

4 "(1) IN GENERAL.—The Under Secretary shall
5 order the deployment of law enforcement personnel
6 authorized to carry firearms at each airport security
7 screening location to ensure passenger safety and
8 national security.

9 "(2) MINIMUM REQUIREMENTS.—Except at air-
10 ports required to enter into agreements under sub-
11 section (c), the Under Secretary shall order the de-
12 ployment of at least 1 law enforcement officer at
13 each airport security screening location. At the 100
14 largest airports in the United States, in terms of an-
15 nual passenger enplanements for the most recent
16 calendar year for which data are available, the
17 Under Secretary shall order the deployment of addi-
18 tional law enforcement personnel at airport security
19 screening locations if the Under Secretary deter-
20 mines that the additional deployment is necessary to
21 ensure passenger safety and national security."

22 (g) REPORTS.—

23 dH (1) DEPLOYMENT.—Within 6 months after the
24 date of enactment of this Act, the Under Secretary
25 of Transportation for Security shall report to the

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Attached

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1 (c) DEADLINE FOR DEPLOYMENT OF FEDERAL
2 SCREENERS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Under Sec-
5 retary of Transportation for Security shall deploy at
6 all airports in the United States where screening is
7 required under section 44901 of title 49, United
8 States Code, a sufficient number of Federal screen-
9 ers, Federal Security Managers, Federal security
10 personnel, and Federal law enforcement officers to
11 conduct the screening of all passengers and property
12 under section 44901 of such title at such airports.

13 (2) CERTIFICATION TO CONGRESS.—Not later
14 than 1 year after the date of enactment of this Act,
15 the Under Secretary shall transmit to Congress a
16 certification that the requirement of paragraph (1)
17 has been met.

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate and to the Committee on Trans-
3 portation and Infrastructure of the House of Rep-
4 resentatives on the deployment of the systems re-
5 quired by section 44901(c) of title 49, United States
6 Code. The Under Secretary shall include in the
7 report—

8 (A) an installation schedule;

9 (B) the dates of installation of each sys-
10 tem; and

11 (C) the date on which each system in-
12 stalled is operational.

13 (2) SCREENING OF SMALL AIRCRAFT.—Within
14 1 year after the date of enactment of this Act, the
15 Under Secretary of Transportation for Security shall
16 transmit a report to the Committee on Commerce,
17 Science, and Transportation of the Senate and Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives on the screening require-
20 ments applicable to passengers boarding, and prop-
21 erty being carried aboard, aircraft with 60 seats or
22 less used in scheduled passenger service with rec-
23 ommendations for any necessary changes in those
24 requirements.

111 / 1 SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY

2 SCREENING PERSONNEL.

3 (a) IN GENERAL.—Section 44935 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (i); and

7 (2) by striking subsection (e) and inserting the
8 following:

9 “(e) SECURITY SCREENERS.—

10 “(1) TRAINING PROGRAM.—The Under Sec-
11 retary of Transportation for Security shall establish
12 a program for the hiring and training of security
13 screening personnel.

14 “(2) HIRING.—

15 “(A) QUALIFICATIONS.—Within 30 days
16 after the date of enactment of the Aviation and
17 Transportation Security Act, the Under Sec-
18 retary shall establish qualification standards for
19 individuals to be hired by the United States as
20 security screening personnel. Notwithstanding
21 any provision of law, those standards shall re-
22 quire, at a minimum, an individual—

23 “(i) to have a satisfactory or better
24 score on a Federal security screening per-
25 sonnel selection examination;

1 “(ii) to be a citizen of the United
2 States;

3 “(iii) to meet, at a minimum, the re-
4 quirements set forth in subsection (f);

5 “(iv) to meet such other qualifications
6 as the Under Secretary may establish; and

7 “(v) to have the ability to demonstrate
8 daily a fitness for duty without any impair-
9 ment due to illegal drugs, sleep depriva-
10 tion, medication, or alcohol.

11 “(B) BACKGROUND CHECKS.—The Under
12 Secretary shall require that an individual to be
13 hired as a security screener undergo an employ-
14 ment investigation (including a criminal history
15 record check) under section 44936(a)(1).

16 “(C) DISQUALIFICATION OF INDIVIDUALS
17 WHO PRESENT NATIONAL SECURITY RISKS.—
18 The Under Secretary, in consultation with the
19 heads of other appropriate Federal agencies,
20 shall establish procedures, in addition to any
21 background check conducted under section
22 44936, to ensure that no individual who pre-
23 sents a threat to national security is employed
24 as a security screener.

1 “(3) EXAMINATION; REVIEW OF EXISTING
2 RULES.—The Under Secretary shall develop a secu-
3 rity screening personnel examination for use in de-
4 termining the qualification of individuals seeking
5 employment as security screening personnel. The
6 Under Secretary shall also review, and revise as nec-
7 essary, any standard, rule, or regulation governing
8 the employment of individuals as security screening
9 personnel.

10 “(f) EMPLOYMENT STANDARDS FOR SCREENING
11 PERSONNEL.—

12 “(1) SCREENER REQUIREMENTS.—Notwith-
13 standing any provision of law, an individual may not
14 be deployed as a security screener unless that indi-
15 vidual meets the following requirements:

16 “(A) The individual shall possess a high
17 school diploma, a general equivalency diploma,
18 or experience that the Under Secretary has de-
19 termined to be sufficient for the individual to
20 perform the duties of the position.

21 “(B) The individual shall possess basic ap-
22 titudes and physical abilities, including color
23 perception, visual and aural acuity, physical co-
24 ordination, and motor skills, to the following
25 standards:

1 “(i) Screeners operating screening
2 equipment shall be able to distinguish on
3 the screening equipment monitor the ap-
4 propriate imaging standard specified by
5 the Under Secretary. Wherever the screen-
6 ing equipment ~~system displays~~ colors, the
7 operator shall be able to perceive each
8 color.

9 “(ii) Screeners operating any screen-
10 ing equipment shall be able to distinguish
11 each color displayed on every type of
12 screening equipment and explain what each
13 color signifies.

14 “(iii) Screeners shall be able to hear
15 and respond to the spoken voice and to au-
16 dible alarms generated by screening equip-
17 ment in an active checkpoint environment.

18 “(iv) Screeners performing physical
19 searches or other related operations shall
20 be able to efficiently and thoroughly ma-
21 nipulate and handle such baggage, con-
22 tainers, and other objects subject to secu-
23 rity processing.

24 “(v) Screeners who perform pat-downs
25 or hand-held metal detector searches of in-

1 individuals shall have sufficient dexterity and
2 capability to thoroughly conduct those pro-
3 cedures over a individual's entire body.

4 "(C) The individual shall be able to read,
5 speak, and write English well enough to—

6 "(i) carry out written and oral in-
7 structions regarding the proper perform-
8 ance of screening duties;

9 "(ii) read English language identifica-
10 tion media, credentials, airline tickets, and
11 labels on items normally encountered in
12 the screening process;

13 "(iii) provide direction to and under-
14 stand and answer questions from English-
15 speaking individuals undergoing screening;
16 and

17 "(iv) write incident reports and state-
18 ments and log entries into security records
19 in the English language.

20 "(D) The individual shall have satisfac-
21 torily completed all initial, recurrent, and ap-
22 propriate specialized training required by the
23 security program, except as provided in para-
24 graph (3).

1 “(2) VETERANS PREFERENCE.—The Under
2 Secretary shall provide a preference for the hiring of
3 an individual as a security screener if the individual
4 is a member or former member of the armed forces
5 and if the individual is entitled, under statute, to re-
6 tired, retirement, or retainer pay on account of serv-
7 ice as a member of the armed forces.

8 “(3) EXCEPTIONS.—An individual who has not
9 completed the training required by this section may
10 be deployed during the on-the-job portion of training
11 to perform functions if that individual—

12 “(A) is closely supervised; and

13 “(B) does not make independent judg-
14 ments as to whether individuals or property
15 may enter a sterile area or aircraft without fur-
16 ther inspection.

17 “(4) REMEDIAL TRAINING.—No individual em-
18 ployed as a security screener may perform a screen-
19 ing function after that individual has failed an oper-
20 ational test related to that function until that indi-
21 vidual has successfully completed the remedial train-
22 ing specified in the security program.

23 “(5) ANNUAL PROFICIENCY REVIEW.—The
24 Under Secretary shall provide that an annual eval-
25 uation of each individual assigned screening duties is

1 conducted and documented. An individual employed
2 as a security screener may not continue to be em-
3 ployed in that capacity unless the evaluation dem-
4 onstrates that the individual—

5 “(A) continues to meet all qualifications
6 and standards required to perform a screening
7 function;

8 “(B) has a satisfactory record of perform-
9 ance and attention to duty based on the stand-
10 ards and requirements in the security program;
11 and

12 “(C) demonstrates the current knowledge
13 and skills necessary to courteously, vigilantly,
14 and effectively perform screening functions.

15 “(6) OPERATIONAL TESTING.—In addition to
16 the annual proficiency review conducted under para-
17 graph (5), the Under Secretary shall provide for the
18 operational testing of such personnel.

19 “(g) TRAINING.—

20 “(1) USE OF OTHER AGENCIES.—The Under
21 Secretary may enter into a memorandum of under-
22 standing or other arrangement with any other Fed-
23 eral agency or department with appropriate law en-
24 forcement responsibilities, to provide personnel, re-

1 sources, or other forms of assistance in the training
2 of security screening personnel.

3 “(2) TRAINING PLAN.—Within 60 days after
4 the date of enactment of the Aviation and Transpor-
5 tation Security Act, the Under Secretary shall de-
6 velop a plan for the training of security screening
7 personnel. The plan shall require, at a minimum,
8 that a security screener—

9 “(A) has completed 40 hours of classroom
10 instruction or successfully completed a program
11 that the Under Secretary determines will train
12 individuals to a level of proficiency equivalent to
13 the level that would be achieved by such class-
14 room instruction;

15 “(B) has completed 60 hours of on-the-job
16 instruction; and

17 “(C) has successfully completed an on-the-
18 job training examination prescribed by the
19 Under Secretary.

20 “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-
21 dividual employed as a security screener may not use
22 any security screening device or equipment in the
23 scope of that individual's employment unless the in-
24 dividual has been trained on that device or equip-

1 ment and has successfully completed a test on the
2 use of the device or equipment.

3 “(h) TECHNOLOGICAL TRAINING.—

4 “(1) IN GENERAL.—The Under Secretary shall
5 require training to ensure that screeners are pro-
6 ficient in using the most up-to-date new technology
7 and to ensure their proficiency in recognizing new
8 threats and weapons.

9 “(2) PERIODIC ASSESSMENTS.—The Under
10 Secretary shall make periodic assessments to deter-
11 mine if there are dual use items and inform security
12 screening personnel of the existence of such items.

13 “(3) CURRENT LISTS OF DUAL USE ITEMS.—
14 Current lists of dual use items shall be part of the
15 ongoing training for screeners.

16 “(4) DUAL USE DEFINED.—For purposes of
17 this subsection, the term ‘dual use’ item means an
18 item that may seem harmless but that may be used
19 as a weapon.


20 “(i) LIMITATION ON RIGHT TO STRIKE.—An indi-
21 vidual that screens passengers or property, or both, at an
22 airport under this section may not participate in a strike,
23 or assert the right to strike, against the person (including
24 a governmental entity) employing such individual to per-
25 form such screening.

1 “(j) UNIFORMS.—The Under Secretary shall require
2 any individual who screens passengers and property pur-
3 suant to section 44901 to be attired while on duty in a
4 uniform approved by the Under Secretary.”.

5 (b) CONFORMING AMENDMENTS.—Section
6 44936(a)(1) of title 49, United States Code, is amended—

7 (1) in subparagraph (A) by inserting “as a se-
8 curity screener under section 44935(e) or a posi-
9 tion” after “a position”; and

10 (2) in subparagraph (E) by striking clause (iv).

11 (c) TRANSITION.—The Under Secretary of Trans-
12 portation for Security shall complete the full implementa-
13 tion of section 44935 (e), (f), (g), and (h) of title 49,
14 United States Code, as amended by subsection (a), as soon
15 as is practicable. The Under Secretary may make or con-
16 tinue such arrangements for the training of security
17 screeners under that section as the ~~Attorney General~~ de-
18 termines necessary pending full implementation of that
19 section as so amended. 

20 (d) SCREENER PERSONNEL.—Notwithstanding any
21 other provision of law, the Under Secretary of Transpor-
22 tation for Security may employ, appoint, discipline, termi-
23 nate, and fix the compensation, terms, and conditions of
24 employment of Federal service for such a number of indi-
25 viduals as the Under Secretary determines to be necessary

*Under
Secretary*

1 to carry out the screening functions of the Under Sec-
2 retary under section 44901 of title 49, United States
3 Code. The Under Secretary shall establish levels of com-
4 pensation and other benefits for individuals so employed.

5 ~~(e) FINAL RULES ESTABLISHING TRAINING STAND-~~
6 ~~ARDS FOR SCREENERS.—Section 44935(e)(1) of title 49,~~
7 ~~United States Code, is amended by striking “May 31,~~
8 ~~2001” and inserting “6 months after the date of enact-~~
9 ~~ment of the Airport and Transportation Security Act”~~

10 ~~SEC. 449. RESEARCH AND DEVELOPMENT.~~

11 ~~(a) IN GENERAL.—Section 44912(b)(1) of title 49,~~
12 ~~United States Code, is amended—~~

13 ~~(1) by striking “complete an intensive review~~
14 ~~of” and inserting “periodically review”;~~

15 ~~(2) by striking “commercial aircraft in service~~
16 ~~and expected to be in service in the 10-year period~~
17 ~~beginning on November 16, 1990;” in subparagraph~~
18 ~~(B) and inserting “aircraft in air transportation;”;~~
19 ~~and~~

20 ~~(3) by redesignating subparagraphs (D)~~
21 ~~through (F) as subparagraphs (E) through (G), re-~~
22 ~~spectively, and inserting after subparagraph (C) the~~
23 ~~following:~~

1 (D) the potential release of chemical, bi-
2 ological, or similar weapons or devices either
3 within an aircraft or within an airport;".

4 (b) ADDITIONAL MATTERS REGARDING RESEARCH
5 AND DEVELOPMENT.—

6 (1) ADDITIONAL PROGRAM REQUIREMENTS.—

7 Subsection (a) of section 44912 of title 49, United
8 States Code, is amended—

9 (A) by redesignating paragraph (4) as
10 paragraph (5); and

11 (B) by inserting after paragraph (3) the
12 following new paragraph (4):

13 "(4)(A) In carrying out the program established
14 under this subsection, the Administrator shall designate
15 an individual to be responsible for engineering, research,
16 and development with respect to security technology under
17 the program.

18 "(B) The individual designated under subparagraph
19 (A) shall use appropriate systems engineering and risk
20 management models in making decisions regarding the al-
21 location of funds for engineering, research, and develop-
22 ment with respect to security technology under the pro-
23 gram.

24 "(C) The individual designated under subparagraph
25 (A) shall, on an annual basis, submit to the Research, En-

1 gineering and Development Advisory Committee a report
2 on activities under this paragraph during the preceding
3 year. Each report shall include, for the year covered by
4 such report, information on—

5 (i) progress made in engineering, research,
6 and development with respect to security technology;

7 (ii) the allocation of funds for engineering,
8 research, and development with respect to security
9 technology; and

10 (iii) engineering, research, and development
11 with respect to any technologies drawn from other
12 agencies, including the rationale for engineering, re-
13 search, and development with respect to such tech-
14 nologies.”.

15 (2) REVIEW OF THREATS.—Subsection (b)(1)
16 of that section is amended—

17 (A) by redesignating subparagraphs (A)
18 through (F) as subparagraphs (B) through (G),
19 respectively; and

20 (B) by inserting before subparagraph
21 (B), as so redesignated, the following new sub-
22 paragraph (A):

23 (A) a comprehensive systems analysis (em-
24 ploying vulnerability analysis, threat attribute defini-

1 tion, and technology roadmaps) of the civil aviation
2 system, including—

3 ~~“(i) the destruction, commandeering, or~~
4 diversion of civil aircraft or the use of civil air-
5 craft as a weapon; and

6 ~~“(ii) the disruption of civil aviation serv-~~
7 ice, including by cyber attack;”.

8 ~~“(3) SCIENTIFIC ADVISORY PANEL.—Subsection~~
9 (c) of that section is amended to read as follows:

10 ~~“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Ad-~~
11 ministrator shall establish a scientific advisory panel, as
12 a subcommittee of the Research, Engineering, and Devel-
13 opment Advisory Committee, to review, comment on, ad-
14 vise the progress of, and recommend modifications in, the
15 program established under subsection (a) of this section,
16 including the need for long-range research programs to de-
17 tect and prevent catastrophic damage to commercial air-
18 craft, commercial aviation facilities, commercial aviation
19 personnel and passengers, and other components of the
20 commercial aviation system by the next generation of ter-
21 rorist weapons.

22 ~~“(2)(A) The advisory panel shall consist of individ-~~
23 uals who have scientific and technical expertise in—

24 ~~“(i) the development and testing of effective~~
25 explosive detection systems;

1 “(ii) aircraft structure and experimentation to
2 decide on the type and minimum weights of explo-
3 sives that an effective explosive detection technology
4 must be capable of detecting;

5 “(iii) technologies involved in minimizing air-
6 frame damage to aircraft from explosives; and

7 “(iv) other scientific and technical areas the
8 Administrator considers appropriate.

9 “(B) In appointing individuals to the advisory panel,
10 the Administrator should consider individuals from aca-
11 demia and the national laboratories, as appropriate.

12 “(3) The Administrator shall organize the advisory
13 panel into teams capable of undertaking the review of poli-
14 cies and technologies upon request.

15 “(4) Not later than 90 days after the date of the
16 enactment of the Aviation and Transportation Security
17 Act, and every two years thereafter, the Administrator
18 shall review the composition of the advisory panel in order
19 to ensure that the expertise of the individuals on the panel
20 is suited to the current and anticipated duties of the
21 panel.”.

22 “(c) ~~COORDINATION WITH ATTORNEY GENERAL.~~
23 Section 44912(b) of title 49, United States Code, is
24 amended by adding at the end the following:

1 ["(3) Beginning on the date of enactment of the
2 Aviation and Transportation Security Act, the Adminis-
3 trator shall conduct all research related to screening tech-
4 nology and procedures in conjunction with the Attorney
5 General.".]

113 6 SEC. 141. FLIGHT SCHOOL SECURITY.

Subchapter II
of

7 (a) IN GENERAL.—Chapter 449 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 "§ 44939. Training to operate certain aircraft

11 "(a) WAITING PERIOD.—A person subject to regula-
12 tion under this part may provide training in the operation
13 of any aircraft having a maximum [certificated] takeoff
14 weight of 12,500 pounds or less to an alien (as defined
15 in section 101(a)(3) of the Immigration and Nationality
16 Act (8 U.S.C. 1101(a)(3))) or to any other individual
17 specified by the Under Secretary of Transportation for Se-
18 curity only if—

19 "(1) that person has first notified the Under
20 Secretary [and the Attorney General] that the indi-

21 vidual has requested such training and furnished the
22 Under Secretary with that individual's identification
23 in such form as the Under Secretary may require;
24 and

Attorney
General

1 “(2) the Attorney General has not directed,
2 within 45 days after being notified under paragraph
3 (1), that person not to provide the requested train-
4 ing because the Attorney General has determined
5 that the individual presents a risk to aviation or na-
6 tional security.

7 “(b) INTERRUPTION OF TRAINING.—If the Attorney
8 General, more than 45 days after receiving notification
9 under subsection (a) from a person providing training de-
10 scribed in subsection (a), determines that the individual
11 presents a risk to aviation or national security, the Attor-
12 ney General shall immediately notify the person providing
13 the training of the determination and that person shall
14 immediately terminate the training.

15 “(c) COVERED TRAINING.—For the purposes of sub-
16 section (a), training includes in-flight training, training in
17 a simulator, and any other form or aspect of training.

18 “(d) SECURITY AWARENESS TRAINING FOR EMPLOY-
19 EES.—The Under Secretary shall require flight schools to
20 conduct a security awareness program for flight school
21 employees to increase their awareness of suspicious cir-
22 cumstances and activities of individuals enrolling in or at-
23 tending flight school.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“44939. Training to operate certain aircraft.”.

4 (c) INTERNATIONAL COOPERATION.—The Secretary
5 of Transportation, in consultation with the Secretary of
6 State, shall work with the International Civil Aviation Or-
7 ganization and the civil aviation authorities of other coun-
8 tries to improve international aviation security through
9 screening programs for flight instruction candidates.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsection (a) applies to applications for training received
12 after the date of enactment of this Act.

13 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**
14 **WITH SECURITY PERSONNEL.**

15 (a) IN GENERAL.—Chapter 465 of title 49, United
16 States Code, is amended by inserting after section 46502
17 the following:

18 **“§46503. Interference with security screening per-**
19 **sonnel**

20 “An individual in an area within a commercial service
21 airport in the United States who, by assaulting a Federal,
22 airport, or air carrier employee who has security duties
23 within the airport, interferes with the performance of the
24 duties of the employee or lessens the ability of the em-
25 ployee to perform those duties, shall be fined under title

1 18, imprisoned for not more than 10 years, or both. If
2 the individual used a dangerous weapon in committing the
3 assault or interference, the individual may be imprisoned
4 for any term of years or life imprisonment.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 465 of such title is amended by inserting
7 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

117/ 8 **SEC. 441. PASSENGER MANIFESTS.**

9 Section 44909 is amended by adding at the end the
10 following:

11 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO
12 THE UNITED STATES.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Aviation and
15 Transportation Security Act, each air carrier and
16 foreign air carrier operating a passenger flight in
17 foreign air transportation to the United States shall
18 provide to the Commissioner of Customs by elec-
19 tronic transmission a passenger and crew manifest
20 containing the information specified in paragraph

21 (2). Carriers may use the advanced passenger infor-
22 mation system established under section 431 of the
23 Tariff Act of 1930 (19 U.S.C. 1431) to provide the
24 information required by the preceding sentence.

1 “(2) INFORMATION.—A passenger and crew
2 manifest for a flight required under paragraph (1)
3 shall contain the following information:

4 “(A) The full name of each passenger and
5 crew member.

6 “(B) The date of birth and citizenship of
7 each passenger and crew member.

8 “(C) The sex of each passenger and crew
9 member.

10 “(D) The passport number and country of
11 issuance of each passenger and crew member if
12 required for travel.

13 “(E) The United States visa number or
14 resident alien card number of each passenger
15 and crew member, as applicable.

16 “(F) Such other information as the Under
17 Secretary, in consultation with the Commis-
18 sioner of Customs, determines is reasonably
19 necessary to ensure aviation safety.

20 “(3) PASSENGER NAME RECORDS.—The car-
21 riers shall make passenger name record information
22 available to the Customs Service upon request.

23 “(4) TRANSMISSION OF MANIFEST.—Subject to
24 paragraph (5), a passenger and crew manifest re-
25 quired for a flight under paragraph (1) shall be

1 transmitted to the Customs Service in advance of
2 the aircraft landing in the United States in such
3 manner, time, and form as the Customs Service pre-
4 scribes.

5 “(5) TRANSMISSION OF MANIFESTS TO OTHER
6 FEDERAL AGENCIES.—Upon request, information
7 provided to the Under Secretary or the Customs
8 Service under this subsection may be shared with
9 other Federal agencies for the purpose of protecting
10 national security.”

11 8) 11 SEC. 41309. AIR TRANSPORTATION ARRANGEMENTS IN CER-
12 TAIN STATES.

13 (a) IN GENERAL.—Notwithstanding any provision of
14 section 41309(a) of title 49, United States Code, to the
15 contrary, air carriers providing air transportation on
16 flights which both originate and terminate at points within
17 the same State may file an agreement, request, modifica-
18 tion, or cancellation of an agreement within the scope of
19 that section with the Secretary of Transportation upon a
20 declaration by the Governor of the State that such agree-
21 ment, request, modification, or cancellation is necessary
22 to ensure the continuing availability of such air transpor-
23 tation within that State.

24 (b) APPROVAL OF SECRETARY.—The Secretary may
25 approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section
2 41308(c) of title 49, United States Code, to the extent
3 necessary to effectuate such agreement, request, modifica-
4 tion, or cancellation, without regard to the provisions of
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-
7 retary may approve such an agreement, request, modifica-
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection
13 (b) and an exemption under section 41308(c) of title 49,
14 United States Code, granted under subsection (b) shall
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if
20 the Secretary determines that it is in the public interest,
21 the Secretary may extend the termination date under sub-
22 section (d)(2) until a date no later than October 1, 2003.

23 (f) REPORTS.—If the Secretary approves any such
24 agreement, request, modification, or cancellation under
25 this section and grants an exemption, the Secretary shall

1 transmit a report to Committee on Commerce, Science,
2 and Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives within 6 months describing what actions have
5 been taken by the air carriers to which the exemption was
6 granted. The Secretary shall also notify those committees
7 if the Secretary extends the termination date under sub-
8 section (e).

115

9 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

10 In order to ensure that all airline computer reserva-
11 tion systems maintained by United States air carriers are
12 secure from unauthorized access by persons seeking infor-
13 mation on reservations, passenger manifests, or other non-
14 public information, the Secretary of Transportation shall
15 require all such air carriers to utilize to the maximum ex-
16 tent practicable the best technology available to secure
17 their computer reservation system against such unauthor-
18 ized access.

19 **SEC. 118. SECURITY FUNDING.**

20 **[(a) USER FEE FOR SECURITY SERVICES.—**

21 **[(1) IN GENERAL.—**Chapter 481 of title 49,
22 United States Code, is amended by adding at the
23 end thereof the following:

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(8 pages)

Insert to page 75

1 SEC. 116. SECURITY SERVICE FEE.

2 (a) IN GENERAL.—Subchapter II of chapter 449 is
3 amended by adding at the end the following:

4 “§ 44940. Security service fee

5 “(a) GENERAL AUTHORITY.—

6 “(1) PASSENGER FEES.—The Under Secretary
7 of Transportation for Security shall impose a uni-
8 form fee, on passengers of air carriers and foreign
9 air carriers in air transportation and intrastate air
10 transportation originating at airports in the United
11 States, to pay for the following costs of providing
12 civil aviation security services:

13 “(A) Salary, benefits, overtime, retirement
14 and other costs of screening personnel, their su-
15 pervisors and managers, and Federal law en-
16 forcement personnel deployed at airport security
17 screening locations under section 44901.

18 “(B) The costs of training personnel de-
19 scribed in subparagraph (A), and the acquisi-
20 tion, operation, and maintenance of equipment
21 used by such personnel.

22 “(C) The costs of performing background
23 investigations of personnel described in sub-
24 paragraphs (A), (D), (F), and (G).



1 “(D) The costs of the Federal air marshals
2 program.

3 “(E) The costs of performing civil aviation
4 security research and development under this
5 title.

6 “(F) The costs of Federal Security Man-
7 agers under section 44903.

8 “(G) The costs of deploying Federal law
9 enforcement personnel pursuant to section
10 44903(h).

11 The amount of such costs shall be determined by the
12 Under Secretary and shall not be subject to judicial
13 review ~~under section 44903~~.

14 “(2) AIR CARRIER FEES.—

15 “(A) AUTHORITY.—In addition to the fee
16 imposed pursuant to paragraph (1), and only to
17 the extent that the Under Secretary estimates
18 that such fee will be insufficient to pay for the
19 costs of providing civil aviation security services
20 described in paragraph (1), the Under Sec-
21 retary may impose a fee on air carriers and for-
22 eign air carriers engaged in air transportation
23 and intrastate air transportation to pay for the
24 difference between any such costs and the
25 amount collected from such fee, as estimated by

1 the Under Secretary at the beginning of each
2 fiscal year. The estimates of the Under Sec-
3 retary under this subparagraph are not subject
4 to judicial review.

5 "(B) LIMITATIONS.—

6 "(i) OVERALL LIMIT.—The amounts
7 of fees collected under this paragraph for
8 each fiscal year may not exceed, in the ag-
9 gregate, the amounts paid in calendar year
10 2000 by carriers described in subpara-
11 graph (A) for screening passengers and
12 property, as determined by the Under Sec-
13 retary.

14 "(ii) PER-CARRIER LIMIT.—The
15 amount of fees collected under this para-
16 graph from an air carrier described in sub-
17 paragraph (A) for each of fiscal years
18 2002, 2003, and 2004 may not exceed the
19 amount paid in calendar year 2000 by that
20 carrier for screening passengers and prop-
21 erty, as determined by the Under Sec-
22 retary.

23 "(iii) ADJUSTMENT OF PER-CARRIER
24 LIMIT.—For fiscal year 2005 and subse-
25 quent fiscal years, the per-carrier limita-

tion under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(v) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that

1 originates at an airport in the United States, except that
2 the total amount of such fees may not exceed \$5.00 per
3 one-way trip.

4 “(d) IMPOSITION OF FEE.—

5 “(1) IN GENERAL.—Notwithstanding section
6 9701 of title 31 and the procedural requirements of
7 section 553 of title 5, the Under Secretary shall im-
8 pose the fee under subsection (a)(1), and may im-
9 pose a fee under subsection (a)(2), through the pub-
10 lication of notice of such fee in the Federal Register
11 and begin collection of the fee within 60 days of the
12 date of enactment of this Act, or as soon as possible
13 thereafter.

14 “(2) SPECIAL RULES PASSENGER FEES.—A fee
15 imposed under subsection (a)(1) through the proce-
16 dures under subsection (d) shall apply only to tickets
17 sold after the date on which such fee is imposed. If
18 a fee imposed under subsection (a)(1) through the
19 procedures under subsection (d) on transportation of
20 a passenger of a carrier described in subsection
21 (a)(1) is not collected from the passenger, the
22 amount of the fee shall be paid by the carrier.

23 “(3) SUBSEQUENT MODIFICATION OF FEE.—

24 After imposing a fee in accordance with paragraph
25 (1), the Under Secretary may modify, from time to



1 time through publication of notice in the Federal
2 Register, the imposition or collection of such fee, or
3 both.

4 "(4) LIMITATION ON COLLECTION.—No fee
5 may be collected under this section except to the ex-
6 tent that the expenditure of the fee to pay the costs
7 of activities and services for which the fee is imposed
8 is provided for in advance in an appropriations Act.

9 "(e) ADMINISTRATION OF FEES.—

10 "(1) FEES PAYABLE TO UNDER SECRETARY.—

11 All fees imposed and amounts collected under this
12 section are payable to the Under Secretary.

13 "(2) FEES COLLECTED BY AIR CARRIER.—A fee
14 imposed under subsection (a)(1) shall be collected by
15 the air carrier or foreign air carrier that sells a tick-
16 et for transportation described in subsection (a)(1).

17 "(3) DUE DATE FOR REMITTANCE.—A fee col-
18 lected under this section shall be remitted on the
19 last day of each calendar month by the carrier col-
20 lecting the fee. The amount to be remitted shall be
21 for the calendar month preceding the calendar
22 month in which the remittance is made.

23 "(4) INFORMATION.—The Under Secretary may
24 require the provision of such information as the
25 Under Secretary decides is necessary to verify that



1 fees have been collected and remitted at the proper
2 times and in the proper amounts.

3 "(5) FEE NOT SUBJECT TO TAX.—For purposes
4 of section 4261 of the Internal Revenue Code of
5 1986 (26 U.S.C. 4261), a fee imposed under this
6 section shall not be considered to be part of the
7 amount paid for taxable transportation.

8 "(6) COST OF COLLECTING FEE.—No portion
9 of fee collected under this section may be retained
10 by the air carrier or foreign air carrier for the costs
11 of collecting, handling, or remitting the fee except
12 for interest accruing to the carrier after collection
13 and before remittance.

14 "(f) RECEIPTS CREDITED AS OFFSETTING COLLEC-
15 TIONS.—Notwithstanding section 3302 of title 31, any fee
16 collected under this section—

17 "(1) shall be credited as offsetting collections to
18 the account that finances the activities and services
19 for which the fee is imposed;

20 "(2) shall be available for expenditure only to
21 pay the costs of activities and services for which the
22 fee is imposed; and

23 "(3) shall remain available until expended.



1 “(g) REFUNDS.—The Under Secretary may refund
2 any fee paid by mistake or any amount paid in excess of
3 that required.

4 “(h) EXEMPTIONS.—The Under Secretary may ex-
5 empt from the passenger fee imposed under subsection
6 (a)(1) any passenger enplaning at an airport in the United
7 States that does not receive screening services under sec-
8 tion 44901 for that segment of the trip for which the pas-
9 senger does not receive screening.”.

10 “(b) CONFORMING AMENDMENT.—The analysis for
11 such chapter is amended by adding at the end the fol-
12 lowing:

“44940 Security service fee.”



1 **["§48114. User fee for security services charge**

2 **["(a) IN GENERAL.—**The Secretary of Transpor-
3 tation shall collect a user fee from air carriers. Amounts
4 collected under this section shall be treated as offsetting
5 collections to offset annual appropriations for the costs of
6 providing aviation security services.

7 **["(b) AMOUNT OF FEE.—**Air carriers shall remit
8 \$2.50 for each passenger enplanement.

9 **["(c) USE OF FEES.—**A fee collected under this sec-
10 tion shall be used solely for the costs associated with pro-
11 viding aviation security services and may be used only to
12 the extent provided in advance in an appropriation law.".

13 **[(2) CLERICAL AMENDMENT.—**The table of
14 sections for chapter 481 of title 49, United States
15 Code, is amended by adding at the end thereof the
16 following:

["§48114. User fee for security services".

17 **[(3) EFFECTIVE DATE.—**The amendment
18 made by paragraph (1) shall apply with respect to
19 transportation beginning after the date which is 180
20 days after the date of enactment of this Act.]

C 21 **(b) SPECIFIC AUTHORIZATION OF APPROPRIA-**
22 **TIONS.—**

23 **(1) IN GENERAL.—**Part C of subtitle VII of
24 title 49, United States Code, is amended by adding
25 at the end the following:

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1 "CHAPTER 483 AVIATION SECURITY FUNDING"

"Sec.

"48301. Aviation security funding

2 "§ 48301. Aviation security funding

3 "(a) IN GENERAL.—There are authorized to be ap-
4 propriated for fiscal years 2002, 2003, 2004, and 2005
5 such sums as may be necessary to carry out chapter 449
6 and related aviation security activities under this title. Any
7 amounts appropriated pursuant to this section for fiscal
8 year 2002 shall remain available until expended.

9 "(b) GRANTS FOR AIRCRAFT SECURITY.—There is
10 authorized to be appropriated \$500,000,000 for fiscal year
11 2002 to the Secretary of Transportation to make grants
12 to air carriers to—

13 "(1) fortify cockpit doors to deny access from
14 the cabin to the pilots in the cockpit;

15 "(2) provide for the use of video monitors or
16 other devices to alert the cockpit crew to activity in
17 the passenger cabin;

18 "(3) ensure continuous operation of the aircraft
19 transponder in the event the crew faces an emer-
20 gency; and

21 "(4) provide for the use of other innovative
22 technologies to enhance aircraft security."

23 (2) CONFORMING AMENDMENT.—The subtitle
24 analysis for subtitle VII of title 49, United States

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Insert to Page 76

1 “(b) GRANTS FOR AIRCRAFT SECURITY.—There is
2 authorized to be appropriated \$500,000,000 for fiscal year
3 2002 to the Secretary of Transportation to make grants
4 to or other agreements with air carriers (including intra-
5 state air carriers) to—

6 “(1) fortify cockpit doors to deny access from
7 the cabin to the pilots in the cockpit;

8 “(2) provide for the use of video monitors or
9 other devices to alert the cockpit crew to activity in
10 the passenger cabin;

11 “(3) ensure continuous operation of the aircraft
12 transponder in the event the crew faces an emer-
13 gency; and

14 “(4) provide for the use of other innovative
15 technologies to enhance aircraft security.”



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1 Code, is amended by inserting after the item relating
2 to chapter 482 the following:

"483. Aviation Security Funding 48301".

3 **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**
4 **SECURITY.**

5 (a) **LIMITED USE OF AIRPORT IMPROVEMENT PRO-**
6 **GRAM FUNDS.—**

7 (1) **AIRPORT DEVELOPMENT FUNDS.—**Section
8 47102(3) of title 49, United States Code, is amend-
9 ed by adding at the end the following:

additional)

10 "(J) ~~with funds made available for fiscal~~
11 year 2002, any ~~airport~~ security related activ-
12 ity required by law or by the Secretary after
13 September 11, 2001, and before October 1,
14 2002.

15 (K) in fiscal year 2002 with respect to
16 funds apportioned under section 47114, any ac-
17 tivity, including operational activities, of an air-
18 port that is not a primary airport if that air-
19 port is located within the confines of enhanced
20 class B airspace, as defined by Notice to Air-
21 men FDC 1/0618 issued by the Federal Avia-
22 tion Administration and the activity ~~is~~ carried
23 out when the Notice is in effect. }
24

(in fiscal
years
2001 and
2002

any
restriction
in

25 (L) in fiscal year 2002, payments for
debt service on indebtedness incurred to carry

1 out a project at an airport owned or controlled
2 by the sponsor or at a privately owned or oper-
3 ated airport passenger terminal financed by in-
4 debtedness incurred by the sponsor if the Sec-
5 retary determines that such payments are nec-
6 essary to prevent a default on the indebted-
7 ness.”.

8 (2) ALLOWABLE COSTS.—Section 47110(b)(2)
9 of title 49, United States Code, is amended—

10 (A) by striking “or” in subparagraph (B);

11 (B) by inserting “or” after “executed;” in
12 subparagraph (C); and

13 (C) by adding at the end the following:

14 “(D) if the cost is incurred after Sep-
15 tember 11, 2001, for a project described in sec-
16 tion 47102(3)(J), and shall not depend upon
17 the date of execution of a grant agreement
18 made under this subchapter;”.

19 (3) DISCRETIONARY GRANTS.—Section 47115
20 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(i) CONSIDERATIONS FOR PROJECT UNDER EX-
23 PANDED SECURITY ELIGIBILITY.—In order to assure that
24 funding under this subchapter is provided to the greatest
25 needs, the Secretary, in selecting a project described in

47102 (3)(J),
47102
(3)(L)

1 section 47102(3)(J) for a grant, shall consider the non-
2 federal resources available to sponsor, the use of such non-
3 federal resources, and the degree to which the sponsor is
4 providing increased funding for the project.”.

5 (4) FEDERAL SHARE.—Section 47109(a) of
6 title 49, United States Code, is amended—

7 (A) by striking “and” in paragraph (3);

8 (B) by striking “47134.” in paragraph (4)
9 and inserting “47134; and”; and

10 (C) by adding at the end the following:

11 “(5) for fiscal year 2002, 100 percent for a
12 project described in section 47102(3)(J).”

13 (5) AIRPORT DEVELOPMENT.—Section
14 47102(3)(B) of title 49, United States Code, is
15 amended—

16 (A) by striking “and” at the end of clause
17 (viii);

18 (B) by striking the period at the end of
19 clause (ix) and inserting “; and”; and

20 (C) by inserting after clause (ix) the fol-
21 lowing new clause:

22 “(x) replacement of baggage conveyor
23 systems, and reconfiguration of terminal
24 baggage areas, that the Secretary deter-

(S 47102(3)(K),
(L) 47102(3)

1 mines are necessary to install bulk explo-
2 sive detection devices.”.

3 (b) APPORTIONED FUNDS.—For the purpose of car-
4 rying out section 47114 of title 49, United States Code,
5 for fiscal year 2003, the Secretary shall use, in lieu of
6 passenger boardings at an airport during the prior cal-
7 endar year, the greater of—

8 (1) the number of passenger boardings at that
9 airport during 2000; or

10 (2) the number of passenger boardings at that
11 airport during 2001.

12 (c) EXPEDITED PROCESSING OF SECURITY-RELATED
13 PFC REQUESTS.—The Administrator of the Federal
14 Aviation Administration shall, to the extent feasible, expe-
15 dite the processing and approval of passenger facility fee
16 requests under subchapter I of chapter 471 of title 49,
17 United States Code, for projects described in section
18 47192(3)(J) of title 49, United States Code.

19 ~~(d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-~~
20 ~~VISION.—Section 45301(b)(1)(B) of title 49, United~~
21 ~~States Code, is amended by striking “directly” and insert-~~
22 ~~ing “reasonably”.~~

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attached

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Insert to page 180

1 (d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-
2 VISION.—Section 45301(b)(1)(B) of title 49, United
3 States Code, is amended—

4 (1) by striking “directly” and inserting “rea-
5 sonably”;

6 (2) by striking “Administration’s costs” and in-
7 serting “Administration’s costs, as determined by
8 the Administrator,”; and

9 (3) by adding at the end “The determination
10 of such costs by the Administrator is not subject to
11 judicial review.”.



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1 SEC. 2. CHEMICAL AND BIOLOGICAL WEAPON DETEC-
2 TION.

3 Section 44903(c)(2)(C) of title 49, United States
4 Code, is amended to read as follows:

5 "(C) MAXIMUM USE OF CHEMICAL AND BI-
6 OLOGICAL WEAPON DETECTION EQUIPMENT.—
7 The Secretary of Transportation may require
8 airports to maximize the use of technology and
9 equipment that is designed to detect or neu-
10 tralize potential chemical or biological weap-
11 ons."

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12 SEC. ~~120~~. AUTHORIZATION OF FUNDS FOR REIMBURSE-
13 MENT OF AIRPORTS FOR SECURITY MAN-
14 DATES.

15 (a) AIRPORT SECURITY.—There is authorized to be
16 appropriated to the Secretary for fiscal years 2002 and
17 2003 a total of \$1,500,000,000 to reimburse airport oper-
18 ators, on-airport parking lots, and vendors of on-airfield
19 direct services for direct costs incurred by such operators
20 to comply with new, additional, or revised security require-
21 ments imposed on such operators by the Federal Aviation
22 Administration or Transportation Security Administration
23 on or after September 11, 2001. Such sums shall remain
24 available until expended.

25 (b) DOCUMENTATION OF COSTS; AUDIT.—The Sec-
26 retary may not reimburse an airport operator, on-airport

(not Transportation)

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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ~~and~~

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”

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payment
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applicable

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Insert to page 83

- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *(Aviation*
5 *Transportation Security Federalization Act*” after “21st
6 Century”.

124) 7 SEC. 14. TECHNICAL CORRECTIONS.

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

*air tour
operators
and*

1 air carriers under section 101(a)(2) to provide com-
2 pensation to classes of air carriers, such as air am-
3 bulances (including hospitals operating air ambu-
4 lances) for whom the application of a distribution
5 formula containing available seat miles as a factor
6 would inadequately reflect their share of direct and
7 incremental losses. The President shall reduce the
8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
11 dent shall distribute the amount set aside under this
12 subsection proportionally among *such* air carriers pro-
13 ~~viding air ambulance services~~ based on an appro-
14 priate auditable measure, as determined by the
15 President.”.

16 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
17 **SUSPICIOUS ACTIVITIES.**

18 (a) IN GENERAL.—Subchapter II of chapter 449 of
19 title 49, United States Code, is amended by inserting at
20 the end the following.

21 ***§ 44940. Immunity for reporting suspicious activities**

22 “(a) IN GENERAL.—Any air carrier or foreign air
23 carrier or any employee of an air carrier or foreign air
24 carrier who makes a voluntary disclosure of any suspicious
25 transaction relevant to a possible violation of law or regu-

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1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

for such chapter is amended by adding at the end
 the following:
 "44941. Immunity for reporting suspicious activities."

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11

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(b) Arming
Flight Deck
Crew...

4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and —

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

1 (b) LIMITATIONS.—The Secretary may impose rea-
2 sonable limitations on any such waiver.

128) 3 ~~SEC. 125.~~ FLIGHT DECK SECURITY

4 The pilot of a passenger aircraft operated by an air
5 carrier in air transportation or intrastate air transpor-
6 tation is authorized to carry a firearm into the cockpit
7 if—

8 (1) the Under Secretary of Transportation for
9 ~~Transportation Security~~ approves;

10 (2) the air carrier approves;

11 (3) the firearm is approved by the Under Sec-
12 retary; and

13 (4) the pilot has received proper training for
14 the use of the firearm, as determined by the Sec- *Under*
15 retary.

129) 16 ~~SEC. 126.~~ AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

17 Section 44703(g) of title 49, United States Code, is
18 amended—

19 (1) in the first sentence of paragraph (1)—

20 (A) by striking “pilots” and inserting “air-
21 men”; and

22 (B) by striking the period and inserting
23 “and related to combating acts of terrorism.”;
24 and

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1 (2) by adding at the end, the following new
2 paragraphs:

3 “(3) For purposes of this section, the term ‘acts of
4 terrorism’ means an activity that involves a violent act or
5 an act dangerous to human life that is a violation of the
6 criminal laws of the United States or of any State, or that
7 would be a criminal violation if committed within the juris-
8 diction of the United States or of any State, and appears
9 to be intended to intimidate or coerce a civilian population
10 to influence the policy of a government by intimidation
11 or coercion or to affect the conduct of a government by
12 assassination or kidnapping.

13 “(4) The Administrator is authorized and directed to
14 work with State and local authorities, and other Federal
15 agencies, to assist in the identification of individuals ap-
16 plying for or holding airmen certificates.”

133 17 **SEC. 449. RESULTS-BASED MANAGEMENT.**

18 Subchapter II of chapter 449 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 44942. Performance goals and objectives**

22 **“(a) SHORT TERM TRANSITION.—**

23 **“(1) IN GENERAL.—**Within 180 days after the
24 date of enactment of the Aviation and Transpor-
25 tation Security Act, the Under Secretary for Trans-

1 portation Security may, in consultation with
2 Congress—

3 “(A) establish acceptable levels of perform-
4 ance for aviation security, including screening
5 operations and access control, and

6 “(B) provide Congress with an action plan,
7 containing measurable goals and milestones,
8 that outlines how those levels of performance
9 will be achieved.

10 “(2) BASICS OF ACTION PLAN.—The action
11 plan shall clarify the responsibilities of the Trans-
12 portation Security Administration, the Federal Avia-
13 tion Administration and any other agency or organi-
14 zation that may have a role in ensuring the safety
15 and security of the civil air transportation system.

16 “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

17 “(1) PERFORMANCE PLAN AND REPORT.—

18 “(A) PERFORMANCE PLAN.—

19 “(i) Each year, consistent with the re-
20 quirements of the Government Perform-
21 ance and Results Act of 1993 (GPRA), the
22 Secretary and the Under Secretary for
23 Transportation Security shall agree on a
24 performance plan for the succeeding 5
25 years that establishes measurable goals

1 and objectives for aviation security. The
2 plan shall identify action steps necessary to
3 achieve such goals.

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4 “(ii) In addition to meeting the require-
5 ments of GPRA, the performance plan should
6 clarify the responsibilities of the Secretary, the
7 Under Secretary for Transportation Security
8 and any other agency or organization that may
9 have a role in ensuring the safety and security
10 of the civil air transportation system.

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11 “(B) PERFORMANCE REPORT.—(i) Each
12 year, consistent with the requirements of
13 GPRA, the Under Secretary for Transportation
14 Security shall prepare and submit to Congress
15 an annual report including an evaluation of the
16 extent goals and objectives were met. The re-
17 port shall include the results achieved during
18 the year relative to the goals established in the
19 performance plan.

20 **“§ 44943. Performance management system**

21 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-
22 TEM FOR MEASURING STAFF PERFORMANCE.—The
23 Under Secretary for Transportation Security shall estab-
24 lish a performance management system which strengthens
25 the organization’s effectiveness by providing for the estab-

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1 lishment of goals and objectives for managers, employees,
2 and organizational performance consistent with the per-
3 formance plan.

In General

4 “(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY
5 FOR MEETING PERFORMANCE GOALS.—

6 “(1) Each year, the Secretary and Under Sec-
7 retary for Transportation Security shall enter into
8 an annual performance agreement that shall set
9 forth organizational and individual performance
10 goals for the Under Secretary.

Goals

11 “(2) Each year, the Under Secretary for ~~Transportation~~
12 ~~Security~~ and each senior manager who reports to
13 the Under Secretary for ~~Transportation Security~~ shall
14 enter into an annual performance agreement that sets
15 forth organization and individual goals for those man-
16 agers. All other employees hired under the authority of
17 the Under Secretary for ~~Transportation Security~~ shall
18 enter into an annual performance agreement that sets
19 forth organization and individual goals for those employ-
20 ees.

21 “(c) PERFORMANCE-BASED SERVICE CON-
22 TRACTING.—To the extent contracts, if any, are used to
23 implement the Aviation Security Act, the Under Secretary
24 for Transportation Security shall, to the extent practical,
25 maximize the use of performance-based service contracts.

1 These contracts should be consistent with guidelines pub-
2 lished by the Office of Federal Procurement Policy.”

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3 **SEC. 129. VOLUNTARY PROVISION OF EMERGENCY SERV-**
4 **ICES DURING COMMERCIAL FLIGHTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 449 of
6 title 49, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 44944. Voluntary provision of emergency services**

9 **“(a) PROGRAM FOR PROVISION OF VOLUNTARY**
10 **SERVICES.—**

11 **“(1) PROGRAM.—**The Under Secretary of
12 Transportation for Transportation Security shall
13 carry out a program to permit qualified law enforce-
14 ment officers, firefighters, and emergency medical
15 technicians to provide emergency services on com-
16 mercial air flights during emergencies.

17 **“(2) REQUIREMENTS.—**The Under Secretary
18 shall establish such requirements for qualifications
19 of providers of voluntary services under the program
20 under paragraph (1), including training require-
21 ments, as the Under Secretary considers appro-
22 priate.

23 **“(3) CONFIDENTIALITY OF REGISTRY.—**If as
24 part of the program under paragraph (1) the Under
25 Secretary requires or permits registration of law en-

1 enforcement officers, firefighters, or emergency med-
2 ical technicians who are willing to provide emergency
3 services on commercial flights during emergencies,
4 the Under Secretary shall take appropriate actions
5 to ensure that the registry is available only to appro-
6 priate airline personnel and otherwise remains con-
7 fidential.

8 “(4) CONSULTATION.—The Under Secretary
9 shall consult with appropriate representatives of the
10 commercial airline industry, and organizations rep-
11 resenting community-based law enforcement, fire-
12 fighters, and emergency medical technicians, in car-
13 rying out the program under paragraph (1), includ-
14 ing the actions taken under paragraph (3).

15 “(b) EXEMPTION FROM LIABILITY.—An individual
16 shall not be liable for damages in any action brought in
17 a Federal or State court that arises from an act or omis-
18 sion of the individual in providing or attempting to provide
19 assistance in the case of an in-flight emergency in an air-
20 craft of an air carrier if the individual meets such quali-
21 fications as the Under Secretary shall prescribe for pur-
22 poses of this section.

23 “(c) EXCEPTION.—The exemption under subsection
24 (b) shall not apply in any case in which an individual pro-
25 vides, or attempts to provide, assistance described in that

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1 paragraph in a manner that constitutes gross negligence
2 or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“44944. Voluntary provision of emergency services”.

6 (c) CONSTRUCTION REGARDING POSSESSION OF
7 FIREARMS.—Nothing in this section may be construed to
8 require any modification of regulations of the Department
9 of Transportation governing the possession of firearms
10 while in aircraft or air transportation facilities or to au-
11 thorize the possession of a firearm in an aircraft or any
12 such facility not authorized under those regulations.

132) 13 SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

14 (a) AIR CHARTER PROGRAM.—Within 90 days after
15 the date of enactment of this Act, the Under Secretary
16 of Transportation for Transportation Security shall imple-
17 ment an aviation security program for charter air carriers
18 (as defined in section 40102(a)(13) of title 49, United
19 States Code) with a maximum ~~certified~~ takeoff weight of
20 12,500 pounds or more. *(cert. 12,500)*

21 (b) GENERAL AVIATION PROGRAM.—Within 30 days
22 after the date of enactment of this Act, the Under Sec-
23 retary of Transportation for Transportation Security shall
24 transmit a report on airspace and other security measures
25 that can be deployed, as necessary, to improve security *(General aviation)*

1 to the Senate Committee on Commerce, Science, and
2 Transportation and the House of Representatives Com-
3 mittee on Transportation and Infrastructure. The Under
4 Secretary may submit the report in both classified and re-
5 dacted forms.

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6 **SEC. 135. DEFINITIONS.**

7 Except as otherwise explicitly provided, any term
8 used in this title that is defined in section 40102 of title
9 49, United States Code, has the meaning given that term
10 in that section.

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11 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**
12 **MATTERS.**

13 (a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is
14 the sense of Congress that the Administrator of the Fed-
15 eral Aviation Administration should continue negotiating
16 in good faith with flight service station employees of the
17 Administration with a goal of reaching agreement on a
18 contract as soon as possible.

19 (b) **WAR RISK INSURANCE.**—It is the sense of Con-
20 gress that the Secretary of Transportation should imple-
21 ment section 202 of the Air Transportation Safety and
22 System Stabilization Act (Public Law 107-42) so as to
23 make war risk insurance directly available to vendors,
24 agents, and subcontractors of air carriers for all of their
25 domestic operations.

135 1 SEC. 186. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that

3 the Under Secretary of Transportation for Security should

4 develop security procedures to allow passengers trans-

5 porting a musical instrument on a flight of an air carrier

6 to transport the instrument in the passenger cabin of the

7 aircraft, notwithstanding any size or other restriction on

8 carry-on baggage but subject to such other reasonable se-

9 curity procedures, terms, and conditions as may be estab-

10 lished by the Under Secretary or the air carrier, including

11 imposing additional charges by the air carrier, and

136 12 SEC. —. SHORT-TERM ASSESSMENT AND DEPLOYMENT

13 OF EMERGING SECURITY TECHNOLOGIES

14 AND PROCEDURES.

15 Section 44903 of title 49, United States Code, is

16 amended by adding at the end the following:

17 "(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT

18 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-

19 DURES.—

20 "(1) IN GENERAL.—The Under Secretary for

21 Transportation Security shall recommend to airport

22 operators, within 6 months after the date of enact-

23 ment of the Aviation and Transportation Security

24 Act, commercially available measures or procedures

25 to prevent access to secure airport areas by unau-

26 thorized persons. As part of the 6-month assess-

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1 (2) an air carrier that transports mail under a
2 contract with the United States Postal Service
3 should transport any animal that the Postal Service
4 allows to be shipped through the mail.

1 ment, the Under Secretary for Transportation Secu-
2 rity shall—

3 “(A) review the effectiveness of biometrics
4 systems currently in use at several United
5 States airports, including San Francisco Inter-
6 national;

7 “(B) review the effectiveness of increased
8 surveillance at access points;

9 “(C) review the effectiveness of card- or
10 keypad-based access systems;

11 “(D) review the effectiveness of airport
12 emergency exit systems and determine whether
13 those that lead to secure areas of the airport
14 should be monitored or how breaches can be
15 swiftly responded to; and

16 “(E) specifically target the elimination of
17 the “piggy-backing” phenomenon, where an-
18 other person follows an authorized person
19 through the access point.

20 The 6-month assessment shall include a 12-month
21 deployment strategy for currently available tech-
22 nology at all category X airports, as defined in the
23 Federal Aviation Administration approved air carrier
24 security programs required under part 108 of title
25 14, Code of Federal Regulations. Not later than 18

1 months after the date of enactment of this Act, the
2 Secretary of Transportation shall conduct a review
3 of reductions in unauthorized access at these air-
4 ports.

5 “(2) COMPUTER-ASSISTED PASSENGER
6 PRESCREENING SYSTEM.—

7 “(A) IN GENERAL.—The Secretary of
8 Transportation shall ensure that the Computer-
9 Assisted Passenger Prescreening System, or
10 any successor system—

11 “(i) is used to evaluate all passengers
12 before they board an aircraft; and

13 “(ii) includes procedures to ensure
14 that individuals selected by the system and
15 their carry-on and checked baggage are
16 adequately screened.

17 “(B) MODIFICATIONS.—The Secretary of
18 Transportation may modify any requirement
19 under the Computer-Assisted Passenger
20 Prescreening System for flights that originate
21 and terminate within the same State, if the
22 Secretary determines that—

23 “(i) the State has extraordinary air
24 transportation needs or concerns due to its

1 isolation and dependence on air transpor-
2 tation; and

3 "(ii) the routine characteristics of
4 passengers, given the nature of the market,
5 regularly triggers primary selectee status.

137 } 6 SEC. —. RESEARCH AND DEVELOPMENT OF AVIATION
7 SECURITY TECHNOLOGY.

8 (a) FUNDING.—To augment the programs authorized
9 in section 44912(a)(1) of title 49, United States Code,
10 there is authorized to be appropriated an additional
11 \$50,000,000 for each of fiscal years 2002 through 2006
12 and such sums as are necessary for each fiscal year there-
13 after to the Transportation Security Administration, for
14 research, development, testing, and evaluation of the fol-
15 lowing technologies which may enhance aviation security
16 in the future. Grants to industry, academia, and Govern-
17 ment entities to carry out the provisions of this section
18 shall be available for fiscal years 2002 and 2003 for—

19 (1) the acceleration of research, development,
20 testing, and evaluation of explosives detection tech-
21 nology for checked baggage, specifically, technology
22 that is—

23 (A) more cost-effective for deployment for
24 explosives detection in checked baggage at
25 small- to medium-sized airports, and is cur-

1 rently under development as part of the Argus
2 research program at the Transportation Secu-
3 rity Administration;

4 (B) faster, to facilitate screening of all
5 checked baggage at larger airports; or

6 (C) more accurate, to reduce the number
7 of false positives requiring additional security
8 measures;

9 (2) acceleration of research, development, test-
10 ing, and evaluation of new screening technology for
11 carry-on items to provide more effective means of
12 detecting and identifying weapons, explosives, and
13 components of weapons of mass destruction, includ-
14 ing advanced x-ray technology;

15 (3) acceleration of research, development, test-
16 ing, and evaluation of threat screening technology
17 for other categories of items being loaded onto air-
18 craft, including cargo, catering, and duty-free items;

19 (4) acceleration of research, development, test-
20 ing, and evaluation of threats carried on persons
21 boarding aircraft or entering secure areas, including
22 detection of weapons, explosives, and components of
23 weapons of mass destruction;

24 (5) acceleration of research, development, test-
25 ing and evaluation of integrated systems of airport

1 security enhancement, including quantitative meth-
2 ods of assessing security factors at airports selected
3 for testing such systems;

4 (6) expansion of the existing program of re-
5 search, development, testing, and evaluation of im-
6 proved methods of education, training, and testing
7 of key airport security personnel; and

8 (7) acceleration of research, development, test-
9 ing, and evaluation of aircraft hardening materials,
10 and techniques to reduce the vulnerability of aircraft
11 to terrorist attack.

12 (b) GRANTS.—Grants awarded under this subtitle
13 shall identify potential outcomes of the research, and pro-
14 pose a method for quantitatively assessing effective in-
15 creases in security upon completion of the research pro-
16 gram. At the conclusion of each grant, the grant recipient
17 shall submit a final report to the Transportation Security
18 Administration that shall include sufficient information to
19 permit the Under Secretary to prepare a cost-benefit anal-
20 ysis of potential improvements to airport security based
21 upon deployment of the proposed technology. The Under
22 Secretary shall begin awarding grants under this subtitle
23 within 90 days of the date of enactment of this Act.

24 (c) BUDGET SUBMISSION.—A budget submission and
25 detailed strategy for deploying the identified security up-

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1 grades recommended upon completion of the grants
2 awarded under subsection (b), shall be submitted to Con-
3 gress as part of the Department of Transportation's an-
4 nual budget submission.

5 (d) DEFENSE RESEARCH.—There is authorized to be
6 appropriated \$20,000,000 to the Transportation Security
7 Administration to issue research grants in conjunction
8 with the Defense Advanced Research Projects Agency.
9 Grants may be awarded under this section for—

10 (1) research and development of longer-term
11 improvements to airport security, including advanced
12 weapons detection;

13 (2) secure networking and sharing of threat in-
14 formation between Federal agencies, law enforce-
15 ment entities, and other appropriate parties;

16 (3) advances in biometrics for identification and
17 threat assessment; or

18 (4) other technologies for preventing acts of ter-
19 rorism in aviation.

138 20 SEC. —. EMPLOYMENT INVESTIGATIONS AND RESTRIC-
21 TIONS.

22 (a) IN GENERAL.—Section 44936 of title 49, United
23 States Code, is amended—

24 (1) by inserting “and a review of available law
25 enforcement data bases and records of other govern-

1 mental and international agencies to the extent de-
2 termined practicable by the Under Secretary of
3 Transportation for Transportation Security," after
4 "check" in subsection (a)(1)(A);

5 (2) by striking "in any case described in sub-
6 paragraph (C)" in subsection (a)(1)(B) and insert-
7 ing "and a review of available law enforcement data
8 bases and records of other governmental and inter-
9 national agencies to the extent determined prac-
10 ticable by the Under Secretary of Transportation for
11 Transportation Security";

12 (3) by striking "will be" in subsection
13 (a)(1)(B)(i) and inserting "are";

14 (4) by striking "and" after the semicolon in
15 clause (ii) of subsection (a)(1)(B)

16 (5) by redesignating clause (iii) of subsection
17 (a)(1)(B) as clause (iv);

18 (6) by inserting after clause (ii) of subsection
19 (a)(1)(B) the following:

20 "(iii) individuals who regularly have
21 escorted access to aircraft of an air carrier
22 or foreign air carrier or a secured area of
23 an airport in the United States the Admin-
24 istrator designates that serves an air car-
25 rier or foreign air carrier; and";

1 (7) by striking subparagraphs (C), (D), and (E)
2 of subsection (a)(1) and redesignating subparagraph
3 (F) as subparagraph (D);

4 (8) by inserting after subparagraph (B) of sub-
5 section (a)(1) the following:

6 “(C) BACKGROUND CHECKS OF CURRENT
7 EMPLOYEES.—

8 “(i) A new background check (includ-
9 ing a criminal history record check and a
10 review of available law enforcement data
11 bases and records of other governmental
12 and international agencies to the extent de-
13 termined practicable by the Under Sec-
14 retary of Transportation for Transpor-
15 tation Security shall be required for any
16 individual who is employed in a position
17 described in subparagraphs (A) and (B) on
18 the date of enactment of the Aviation and
19 Transportation Security Act.

20 “(ii) The Under Secretary may pro-
21 vide by order (without regard to the provi-
22 sions of chapter 5 of title 5, United States
23 Code) for a phased-in implementation of
24 the requirements of this subparagraph.”;

1 (9) by striking "107.31(m)" in subparagraph
2 (D), as redesignated, and inserting "107.31(m)(1)
3 or (2)";

4 (10) by striking "the date of enactment of this
5 subparagraph." in subparagraph (D), as redesign-
6 dated, and inserting "November 22, 2000. The
7 Under Secretary shall work with the International
8 Civil Aviation Organization and with appropriate au-
9 thorities of foreign countries to ensure that individ-
10 uals exempted under this subparagraph do not pose
11 a threat to aviation or national security.";

12 (11) by striking "carrier, or airport operator"
13 in subsection (a)(2) and inserting "carrier, airport
14 operator, or government";

15 (12) by striking "carrier, or airport operator"
16 in subsection (b)(1) and inserting "carrier, airport
17 operator, or government";

18 (13) by striking "carrier, or airport operator"
19 in subsection (b)(3) and inserting "carrier, airport
20 operator, or government"; and

21 (14) by adding at the end of subsection (c)(1)
22 "All Federal agencies shall cooperate with the Under
23 Secretary and the Under Secretary's designee in the
24 process of collecting and submitting fingerprints."

1 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-
2 CANTS.—Part A of subtitle VII is amended—

3 (1) by moving subsections (f), (g), and (h) of
4 section 44936 from section 44936, inserting them at
5 the end of section 44703, and redesignating them as
6 subsections (h), (i), and (j), respectively; and

7 (2) in subsections (i) and (j) of section 44703
8 (as moved to the end of section 44703 by paragraph
9 (1) of this subsection), by striking “subsection (f)”
10 each place it appears and inserting “subsection (h)”.

11 ~~TITLE II—VICTIMS~~

12 ~~COMPENSATION~~

Inserted 1. P. 105
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1 SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TEST-
2 ING.

3 Chapter 451 of title 49, United States Code, is
4 amended—

5 (1) by striking “contract personnel” each place
6 it appears and inserting “personnel”;

7 (2) by striking “contract employee” each place
8 it appears and inserting “employee”;

9 (3) in section 45106(c) by striking “contract
10 employees” and inserting “employees”;

11 (4) by inserting after section 45106 the fol-
12 lowing:

13 **“§ 45107. Transportation Security Administration**

14 **“(a) TRANSFER OF FUNCTIONS RELATING TO TEST-**
15 **ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY**
16 **SCREENING PERSONNEL.—**The authority of the Adminis-
17 trator of the Federal Aviation Administration under this
18 chapter with respect to programs relating to testing of air-
19 port security screening personnel are transferred to the
20 Under Secretary of Transportation for Security. Notwith-
21 standing section 45102(a), the regulations prescribed
22 under section 45102(a) shall require testing of such per-
23 sonnel by their employers instead of by air carriers and
24 foreign air carriers.

25 **“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO**
26 **EMPLOYEES OF ADMINISTRATION.—**The provisions of this

1 chapter that apply with respect to employees of the Fed-
2 eral Aviation Administration whose duties include respon-
3 sibility for safety-sensitive functions shall apply with re-
4 spect to employees of the Transportation Security Admin-
5 istration whose duties include responsibility for security-
6 sensitive functions. The Under Secretary of Transpor-
7 tation for Security, the Transportation Security Adminis-
8 tration, and employees of the Transportation Security Ad-
9 ministration whose duties include responsibility for secu-
10 rity-sensitive functions shall be subject to and comply with
11 such provisions in the same manner and to the same ex-
12 tent as the Administrator of the Federal Aviation Admin-
13 istration, the Federal Aviation Administration, and em-
14 ployees of the Federal Aviation Administration whose du-
15 ties include responsibility for safety-sensitive functions, re-
16 spectively.”; and

17 (5) in the analysis for such chapter by inserting
18 after the item relating to section 45106 the fol-
19 lowing:

“45107. Transportation Security Administration.”

20 **SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.**

21 (a) **RECORDS OF EMPLOYMENT OF PILOT APPLI-**
22 **CANTS.**—Part A of subtitle VII of title 49, United States
23 Code, is amended—

24 (1) by moving subsections (f), (g), and (h) of
25 section 44936 from section 44936, inserting them at

1 the end of section 44703. and redesignating them as
2 subsections (h), (i), and (j), respectively: and

3 (2) in subsections (i) and (j) of section 44703
4 (as moved to the end of section 44703 by paragraph
5 (1) of this subsection), by striking "subsection (f)"
6 each place it appears and inserting "subsection (h)".

7 (b) INVESTIGATIONS AND PROCEDURES.—Chapter
8 461 of such title is amended—

9 (1) in each of sections 46101(a)(1), 46102(a),
10 46103(a), 46104(a), 46105(a), 46106, 46107(b),
11 and 46110(a) by inserting after "(or" the following:
12 "the Under Secretary of Transportation for Security
13 with respect to security duties and powers des-
14 ignated to be carried out by the Under Secretary
15 or";

16 (2) by striking "or Administrator" each place it
17 appears and inserting ", Under Secretary, or Ad-
18 ministrator";

19 (3) in section 46101(a)(2) by striking "of
20 Transportation or the" and inserting ", Under Sec-
21 retary, or";

22 (4) in section 46102(b) by striking "and the
23 Administrator" and inserting ", the Under Sec-
24 retary, and the Administrator";

1 (5) in section 46102(c) by striking "and Ad-
2 ministrator" each place it appears and inserting "
3 Under Secretary, and Administrator";

4 (6) in each of sections 46102(d) and 46104(b)
5 by inserting "the Under Secretary," after "Sec-
6 retary,";

7 (7) in the heading to section 46106 by striking
8 **"Secretary of Transportation and Admin-**
9 **istrator of the Federal Aviation Adminis-**
10 **tration"** and inserting **"Department of**
11 **Transportation"**; and

12 (8) in the item relating to section 46106 of the
13 analysis for such chapter by striking "Secretary of
14 Transportation and Administrator of the Federal
15 Aviation Administration" and inserting "Depart-
16 ment of Transportation".

17 (c) ADMINISTRATIVE.—Section 40113 of such title is
18 amended—

19 (1) in subsection (a)—

20 (A) by inserting after "(or" the following:
21 "the Under Secretary of Transportation for Se-
22 curity with respect to security duties and pow-
23 ers designated to be carried out by the Under
24 Secretary or"; and

(B) by striking "or Administrator" and inserting ". Under Secretary, or Administrator":
and
(2) in subsection (d)—

(A) by inserting after "The" the following:
"Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) PENALTIES.—Chapter 463 of such title is amended—

(1) in section 46301(d)(2)—

(A) by striking ". chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A),

1 44907(d)(1)(C)-(f), 44908, and 44909) or a
2 regulation prescribed or order issued under
3 such chapter 449.”; and

4 (C) by inserting “Under Secretary or” be-
5 fore “Administrator shall”;

6 (2) in each of paragraphs (3) and (4) of section
7 46301(d) by striking “Administrator” each place it
8 appears and inserting “Under Secretary or Adminis-
9 trator”;

10 (3) in section 46301(d)(8) by striking “Admin-
11 istrator” and inserting “Under Secretary, Adminis-
12 trator,”;

13 (4) in section 46301(h)(2) by inserting after
14 “(or” the following: “the Under Secretary of Trans-
15 portation for Security with respect to security duties
16 and powers designated to be carried out by the
17 Under Secretary or”;

18 (5) in section 46303(c)(2) by inserting “or the
19 Under Secretary of Transportation for Security”
20 after “Federal Aviation Administration”;

21 (6) in section 46311—

22 (A) by inserting after “Transportation,”
23 the following: “the Under Secretary of Trans-
24 portation for Security with respect to security

1 duties and powers designated to be carried out
2 by the Under Secretary,";

3 (B) by inserting after "Secretary," each
4 place it appears the following: "Under Sec-
5 retary,"; and

6 (C) by striking "or Administrator" each
7 place it appears and inserting ". Under Sec-
8 retary, or Administrator";

9 (7) in each of sections 46313 and 46316 by in-
10 serting after "(or" the following: "the Under Sec-
11 retary of Transportation for Security with respect to
12 security duties and powers designated to be carried
13 out by the Under Secretary or"; and

14 (8) in section 46505(d)(2) by inserting "or the
15 Under Secretary of Transportation for Security"
16 after "Federal Aviation Administration".

17 **SEC. 141. SAVINGS PROVISION.**

18 (a) **TRANSFER OF ASSETS AND PERSONNEL.—**Ex-
19 cept as otherwise provided in this Act, those personnel,
20 property, and records employed, used, held, available, or
21 to be made available in connection with a function trans-
22 ferred to the Transportation Security Administration by
23 this Act shall be transferred to the Transportation Secu-
24 rity Administration for use in connection with the func-
25 tions transferred. Unexpended balances of appropriations.

1 allocations, and other funds made available to the Federal
2 Aviation Administration to carry out such functions shall
3 also be transferred to the Transportation Security Admin-
4 istration for use in connection with the functions trans-
5 ferred.

6 (b) LEGAL DOCUMENTS.—All orders, determinations,
7 rules, regulations, permits, grants, loans, contracts, settle-
8 ments, agreements, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-
10 lowed to become effective by the Federal Aviation
11 Administration, any officer or employee thereof, or
12 any other Government official, or by a court of com-
13 petent jurisdiction, in the performance of any func-
14 tion that is transferred by this Act; and

15 (2) that are in effect on the effective date of
16 such transfer (or become effective after such date
17 pursuant to their terms as in effect on such effective
18 date), shall continue in effect according to their
19 terms until modified, terminated, superseded, set
20 aside, or revoked in accordance with law by the
21 Under Secretary of Transportation for Security, any
22 other authorized official, a court of competent juris-
23 diction, or operation of law.

24 (c) PROCEEDINGS.—

1 (1) IN GENERAL.—The provisions of this Act
2 shall not affect any proceedings or any application
3 for any license pending before the Federal Aviation
4 Administration at the time this Act takes effect, in-
5 sofar as those functions are transferred by this Act;
6 but such proceedings and applications, to the extent
7 that they relate to functions so transferred, shall be
8 continued. Orders shall be issued in such pro-
9 ceedings, appeals shall be taken therefrom, and pay-
10 ments shall be made pursuant to such orders, as if
11 this Act had not been enacted; and orders issued in
12 any such proceedings shall continue in effect until
13 modified, terminated, superseded, or revoked by a
14 duly authorized official, by a court of competent ju-
15 risdiction, or by operation of law.

16 (2) STATUTORY CONSTRUCTION.—Nothing in
17 this subsection shall be deemed to prohibit the dis-
18 continuance or modification of any proceeding de-
19 scribed in paragraph (1) under the same terms and
20 conditions and to the same extent that such pro-
21 ceeding could have been discontinued or modified if
22 this Act had not been enacted.

23 (3) ORDERLY TRANSFER.—The Secretary of
24 Transportation is authorized to provide for the or-

1 derly transfer of pending proceedings from the Fed-
2 eral Aviation Administration.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect
5 suits commenced before the date of the enactment of
6 this Act, except as provided in paragraphs (2) and
7 (3). In all such suits, proceeding shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and with the same effect as if this Act had
10 not been enacted.

11 (2) SUITS BY OR AGAINST FAA.—Any suit by or
12 against the Federal Aviation Administration begun
13 before the date of the enactment of this Act shall be
14 continued, insofar as it involves a function retained
15 and transferred under this Act, with the Transpor-
16 tation Security Administration (to the extent the
17 suit involves functions transferred to the Transpor-
18 tation Security Administration under this Act) sub-
19 stituted for the Federal Aviation Administration.

20 (3) REMANDED CASES.—If the court in a suit
21 described in paragraph (1) remands a case to the
22 Transportation Security Administration, subsequent
23 proceedings related to such case shall proceed in ac-
24 cordance with applicable law and regulations as in
25 effect at the time of such subsequent proceedings.

1 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
2 CERS.—No suit, action, or other proceeding commenced
3 by or against any officer in his official capacity as an offi-
4 cer of the Federal Aviation Administration shall abate by
5 reason of the enactment of this Act. No cause of action
6 by or against the Federal Aviation Administration, or by
7 or against any officer thereof in his official capacity, shall
8 abate by reason of the enactment of this Act.

9 (f) EXERCISE OF AUTHORITIES.—Except as other-
10 wise provided by law, an officer or employee of the Trans-
11 portation Security Administration may, for purposes of
12 performing a function transferred by this Act or the
13 amendments made by this Act, exercise all authorities
14 under any other provision of law that were available with
15 respect to the performance of that function to the official
16 responsible for the performance of the function imme-
17 diately before the effective date of the transfer of the func-
18 tion under this Act.

19 (g) ACT DEFINED.—In this section, the term “Act”
20 includes the amendments made by this Act.

21 **SEC. 142. BUDGET SUBMISSIONS.**

22 The President’s budget submission for fiscal year
23 2003 and each fiscal year thereafter shall reflect the estab-
24 lishment of the Transportation Security Administration.

1 SEC. 143. LAND ACQUISITION COSTS.

2 In the case of a grant for land acquisition issued to
3 an airport under chapter 471 of title 49, United States
4 Code, prior to January 1, 1995, the Secretary of Trans-
5 portation may waive the provisions of section 47108 of
6 such title and provide an upward adjustment in the max-
7 imum obligation of the United States under that chapter
8 to assist the airport in funding land acquisition costs (and
9 associated eligible costs) that increased as a result of a
10 judicial order.

11 SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART
12 CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

13 Section 44903 is amended by adding at the end the
14 following:

15 "(h) LIMITATION ON LIABILITY FOR ACTS TO
16 THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—

17 An individual shall not be liable for damages in any action
18 brought in a Federal or State court arising out of the acts
19 of the individual in attempting to thwart an act of criminal
20 violence or piracy on an aircraft if that individual reason-
21 ably believed that such an act of criminal violence or pi-
22 racy was occurring or was about to occur."

23 SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS
24 FOR SUSPENDED SERVICE.

25 (a) IN GENERAL.—Each air carrier that provides
26 scheduled air transportation on a route shall provide, to

1 the extent practicable, air transportation to passengers
2 ticketed for air transportation on that route by any other
3 air carrier that suspends, interrupts, or discontinues air
4 passenger service on the route by reason of insolvency or
5 bankruptcy of the other air carrier.

6 (b) PASSENGER OBLIGATION.—An air carrier is not
7 required to provide air transportation under subsection (a)
8 to a passenger unless that passenger makes alternative ar-
9 rangements with the air carrier for such transportation
10 within 60 days after the date on which that passenger's
11 air transportation was suspended, interrupted, or discon-
12 tinued (without regard to the originally scheduled travel
13 date on the ticket).

14 (c) SUNSET.—This section does not apply to air
15 transportation the suspension, interruption, or discontinu-
16 ance of which occurs more than 18 months after the date
17 of enactment of this Act.

18 **SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B**
19 **AIRSPACE.**

20 Upon request of an operator of an aircraft affected
21 by the restrictions imposed under Notice to Airmen FDC
22 1/0618 issued by the Federal Aviation Administration, or
23 any other notice issued after September 11, 2001, and
24 prior to the date of enactment of this Act that restricts
25 the ability of United States registered aircraft to conduct

1 operations under part 91 of title 14, Code of Federal Reg-
2 ulations, in enhanced class B airspace (as defined by such
3 Notice), such restrictions shall cease to be in effect for
4 the affected class of operator beginning on the 30th day
5 following the request, unless the Secretary of Transpor-
6 tation publishes a notice in the Federal Register before
7 such 30th day reimposing the restriction and explaining
8 the reasons for the restriction.

9 **SEC. 147. AVIATION WAR RISK INSURANCE.**

10 Section 44306(b) of title 49, United States Code, is
11 amended by striking "60 days" each place it appears and
12 inserting "1 year".

13 **TITLE II—LIABILITY LIMITATION**

14 **SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STA-**
15 **BILIZATION ACT AMENDMENTS.**

16 (a) **RECOVERY OF COLLATERAL SOURCE OBLIGA-**
17 **TIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the
18 Air Transportation Safety and System Stabilization Act
19 (49 U.S.C. 40101 note) is amended by striking "obliga-
20 tions." and inserting "obligations, or to a civil action
21 against any person who is a knowing participant in any
22 conspiracy to hijack any aircraft or commit any terrorist
23 act.".

1 (b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT
2 MANUFACTURERS AND OTHERS.—Section 408 of that Act
3 is amended—

4 (1) by striking “**air carrier**” in the section
5 heading;

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) LIABILITY LIMITED TO INSURANCE COV-
10 ERAGE.—Notwithstanding any other provision of
11 law, liability for all claims, whether for compen-
12 satory or punitive damages or for contribution or in-
13 demnity, arising from the terrorist-related aircraft
14 crashes of September 11, 2001, against an air car-
15 rier, aircraft manufacturer, airport sponsor, or per-
16 son with a property interest in the World Trade
17 Center, on September 11, 2001, whether fee simple,
18 leasehold or easement, direct or indirect, or their di-
19 rectors, officers, employees, or agents, shall not be
20 in an amount greater than the limits of liability in-
21 surance coverage maintained by that air carrier, air-
22 craft manufacturer, airport sponsor, or person.

23 “(2) WILLFUL DEFAULTS ON REBUILDING OB-
24 LIGATION.—Paragraph (1) does not apply to any
25 such person with a property interest in the World

1 Trade Center if the Attorney General determines,
2 after notice and an opportunity for a hearing on the
3 record, that the person has defaulted willfully on a
4 contractual obligation to rebuild, or assist in the re-
5 building of, the World Trade Center.

6 “(3) LIMITATIONS ON LIABILITY FOR NEW
7 YORK CITY.—Liability for all claims, whether for
8 compensatory or punitive damages or for contribu-
9 tion or indemnity arising from the terrorist-related
10 aircraft crashes of September 11, 2001, against the
11 City of New York shall not exceed the greater of the
12 city’s insurance coverage or \$350,000,000. If a
13 claimant who is eligible to seek compensation under
14 section 405 of this Act, submits a claim under sec-
15 tion 405, the claimant waives the right to file a civil
16 action (or to be a party to an action) in any Federal
17 or State court for damages sustained as a result of
18 the terrorist-related aircraft crashes of September
19 11, 2001, including any such action against the City
20 of New York. The preceding sentence does not apply
21 to a civil action to recover collateral source obliga-
22 tions.”; and

23 (3) by adding at the end of subsection (c) the
24 following: “Subsections (a) and (b) do not apply to
25 civil actions to recover collateral source obligations.

1 Nothing in this section shall in any way limit any li-
2 ability of any person who is engaged in the business
3 of providing air transportation security and who is
4 not an airline or airport sponsor or director, officer,
5 or employee of an airline or airport sponsor.”.

6 (c) LIMITATION OF UNITED STATES SUBROGATION
7 RIGHT.—Section 409 of that Act is amended by striking
8 “title.” and inserting “title, subject to the limitations de-
9 scribed in section 408.”.

10 (d) DEFINITIONS.—Section 402 of that Act is
11 amended—

12 (1) by adding at the end of paragraph (1) the
13 following: “The term ‘air carrier’ does not include a
14 person, other than an air carrier, engaged in the
15 business of providing air transportation security.”.

16 (2) by redesignating paragraphs (3) through
17 (8) as paragraphs (5) through (10), respectively;
18 and

19 (3) by inserting after paragraph (2) the fol-
20 lowing:

21 “(3) AIRCRAFT MANUFACTURER.—The term
22 ‘aircraft manufacturer’ means any entity that manu-
23 factured the aircraft or any parts or components of
24 the aircraft involved in the terrorist related aircraft

1 crashes of September 11, 2001, including employees
2 and agents of that entity.

3 “(4) AIRPORT SPONSOR.—The term ‘airport
4 sponsor’ means the owner or operator of an airport
5 (as defined in section 40102 of title 49, United
6 States Code).”.

1 And the House agree to the same.

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF
CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(1)

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The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel rolls or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.
- (2) After consultation with the FAA, find ways to—
 - (A) limit access to the cockpit;
 - (B) strengthen cockpit doors;
 - (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
 - (D) ensure that the aircraft transponder cannot be turned off in flight.
- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.
- (4) Require airlines to provide emergency call capability from aircraft and trains.
- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.
- (6) Develop certification standards for individual screeners.
- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.
- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.
- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.
- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.
- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.
- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data.

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7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

- (1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.
- (2) Marshals must be deployed in 30 days.
- (3) Marshals must be given a seat even if that means bumping a passenger.
- (4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.
- (5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys Air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

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Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement that FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY *the*

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organization representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien in a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

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Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ *from* the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report

House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report

House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and sub-contractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.